HOUSE OF REPRESENTATIVES—*Friday, December 17, 1982*

The House met at 10 a.m.

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

O give thanks to the Lord, for He is good, for His steadfast love endures for ever.—Psalms 136.1.

O Lord, as we look to our world we see so much that is transient and passing and there seems to be no certainty or abiding truth. Yet Your word promises that You are with us in all the moments of life even to the end of the age. We thank You that in all our joys and trials, at times of laughter and times of pain, Your love surrounds us and gives us that peace that the world cannot give. For these and all Your blessings, O Lord, we offer 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.

Mr. OBEY. Mr. Speaker, I wonder if the Members of this House who oppose the congressional pay raise, I wonder if the press will think the Senate position on this issue is in the public interest, I wonder if they know the true implications if the Senate prevails?

Do you know that two Senators have supplemented their official income with over $80,000 in outside speaking fees, and another one with more than $45,000?

Do you really believe the public would be better off if House Members emulate that policy rather than relying on just one master, the public, for its pay? Do you really doubt the old adage: "He who pays the piper calls the tune"?

Do you really have the guts to insist that the House position is the only one that will keep Members working for the public rather than for the private interests who gladly pay speaking fees in return for establishing special relationships with legislative advocates?

For God's sake, think about this issue before public salaries become only secondary income for this body and public interests in turn become only secondary concerns.

CALL OF THE HOUSE

Mr. LONG of Louisiana. 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. 473]

Akaka	Evans (IA)	Lewis
Albosta	Evans (IN)	Livingston
Alexander	Fary	Loeffler
Anderson	Fazio	Long (LA)
Andrews	Fenwick	Lott
Annunzio	Ferraro	Lowery (CA)
Anthony	Fiedler	Lowry (WA)
Ashbrook	Fields	Lujan
Badham	Flippo	Luken
Bafalis	Florio	Lundine
Bailey (MO)	Foglietta	Lungren
Bailey (PA)	Forsythe	Markey
Barnard	Fowler	Marlenee
Beard	Frank	Marriott
Bedell	Frenzel	Martin (IL)
Bennett	Fuqua	Martin (NC)
Bereuter	Gejdenson	Martin (NY)
Bevill	Gephardt	Martinez
Bliley	Gibbons	Mattox
Boland	Gilman	Mavroules
Bonior	Ginn	McClory
Bouquard	Glickman	McCollum
Bowen	Gonzalez	McCurdy
Brinkley	Goodling	McEwen
Brodhead	Gore	McGrath
Brooks	Gradison	Mica
Broomfield	Gray	Michel
Brown (CA)	Green	Mikulski
Brown (CO)	Gregg	Miller (OH)
Brown (OH)	Guarini	Mineta
Broyhill	Gunderson	Minish
Burgener	Hall (IN)	Mitchell (NY)
Butler	Hall, Ralph	Molinari
Byron	Hall, Sam	Montgomery
Chappie	Hamilton	Moore
Cheney	Hammerschmidt	Moorhead
Clinger	Hance	Morrison
Coats	Hansen (ID)	Mottl
Coelho	Hansen (UT)	Murtha
Collins (IL)	Harkin	Myers
Collins (TX)	Hartnett	Napier
Conable	Hatcher	Natcher
Conte	Hawkins	Nelligan
Conyers	Hendon	Nichols
Corcoran	Hightower	Nowak
Coughlin	Hiler	Oakar
Courter	Hillis	Oberstar
Coyne, William	Hopkins	Obey
Craig	Howard	Oxley
Crane, Daniel	Hoyer	Panetta
Daniel, Dan	Huckaby	Parris
Daniel, R. W.	Hughes	Pashayan
Dannemeyer	Hunter	Patman
Daschle	Hutto	Paul
Daub	Hyde	Pease
de la Garza	Jacobs	Pepper
Dellums	Jeffords	Perkins
DeNardis	Jenkins	Petri
Derrick	Jones (NC)	Peyser
Dickinson	Jones (OK)	Pickle
Dicks	Jones (TN)	Porter
Dixon	Kastenmeier	Price
Donnelly	Kazen	Pritchard
Dorgan	Kemp	Quillen
Dornan	Kennelly	Rangel
Dougherty	Kildee	Ratchford
Dowdy	Kindness	Regula
Downey	Kogovsek	Rhodes
Dreier	Kramer	Rinaldo
Duncan	LaFalce	Ritter
Dunn	Lagomarsino	Roberts (KS)
Dwyer	Lantos	Robinson
Eckart	Latta	Rodino
Edwards (OK)	Leach	Roe
Emerson	Leath	Roemer
English	Lee	Rogers
Erdahl	Lent	Rose
Erlenborn	Levitas	Rostenkowski
Roth	Smith (OR)	Wampler
Roukema	Snowe	Washington
Roybal	Snyder	Watkins
Rudd	Solomon	Weaver
Russo	Spence	Weber (MN)
Sabo	St Germain	Weber (OH)
Sawyer	Stangeland	Weiss
Schneider	Stenholm	Whitehurst
Schroeder	Stokes	Whitley
Schumer	Stratton	Whittaker
Sensenbrenner	Studds	Whitten
Shamansky	Stump	Williams (OH)
Sharp	Swift	Wirth
Shaw	Synar	Wolf
Shelby	Tauke	Wolpe
Shumway	Tauzin	Wortley
Siljander	Taylor	Wright
Simon	Thomas	Wyden
Skelton	Traxler	Wylie
Smith (AL)	Vander Jagt	Yates
Smith (IA)	Vento	Yatron
Smith (NE)	Volkmer	Young (FL)
Smith (NJ)	Walker	Zablocki

□ 1015

The SPEAKER. On this rollcall, 303 Members have recorded their presence by electronic device, a quorum.

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

FARMLAND EXPORT INITIATIVE

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

Mr. SKELTON. Mr. Speaker, a number of us in Congress have been speaking out for a considerable period of time on the need for the United States to increase our agricultural exports. With the economic crisis on American farms continuing unabated, it is now more necessary than ever to create new markets for our agricultural products and expanding existing ones. That is why, Mr. Speaker, that I want to bring to the attention of the House a resolution adopted by members of a major agricultural cooperative, Farmland Industries, Inc., at their annual meeting in Kansas City earlier this month. This resolution calls for the President and the Congress to adopt a national policy declaring the expansion of agricultural exports to be of fundamental economic importance to the Nation and that this objective necessitates immediate action and requires the higher national priority. Mr. Speaker, I fully support the goal of Farmland's resolution, and I urge my colleagues to do likewise.

Mr. Speaker, at this point in the RECORD I would like to insert the full text of Farmland's resolution calling for a strong, comprehensive, demand-oriented agricultural export policy.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

AGRICULTURAL TRADE—A NATIONAL URGENCY

To express the concern of farmers and ranchers who own the Farmland system of cooperatives that, because of the dependence of American agriculture on international trade, it is a matter of national urgency that the United States adopt a strong, comprehensive, demand-oriented agricultural export policy.

RESOLUTION

Whereas, the continued low farm prices erode the economic position of farmers and ranchers and all sectors of the nation's economy which are a part of our agriculture system, and

Whereas, several past actions by the United States Government have damaged our credibility as a reliable supplier of farm exports to international markets, and

Whereas, the competitive position of American agricultural products has been reduced by high interest rates, foreign exchange rates, subsidies, and protectionist trade practices of other countries, and

Whereas, the total United States economy will benefit directly from programs that expand agricultural exports: Now therefore be it

Resolved, That the President of the United States in conjunction with the House of Representatives and the Senate, by executive order and legislative enactment, adopt a national policy declaring the expansion of agricultural exports to be of fundamental economic importance to the nation and that this objective necessitates immediate action and requires the highest national priority.

WILL ROGERS ON LAMEDUCK SESSIONS

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

Mr. GORE. Mr. Speaker, we have all been enjoying this lameduck session so much that I was particularly interested to read that a little over 50 years ago, on November 12, 1929, Will Rogers wrote the following:

I see where there's only one more week left of this special session of Congress which the president would give his hightop boots if he had never been shortsighted enough as to have called 'em.

He has one consolation. They have annoyed each other as much as they have him.

CONFERENCE COMMITTEE—CRIMINAL JUSTICE SUBCOMMITTEE

(Mr. CONYERS asked and was given permission to address the House for 1 minute.)

Mr. CONYERS. Mr. Speaker, I regret to report, as a member of the Judiciary Committee and a subcommittee chairman, that my esteemed chairman has, in a conference committee, ordered two lawyers on the staff of the Criminal Justice Subcommittee that I chair to participate in a conference that I disapprove of. Many of us may not even know that the Criminal Code is now in conference between the Senate and the House, and he has ordered the aides to follow his instructions rather than my own.

I do not know who else to bring it to. I do not know what the procedures are for resolving this, but I want everyone to know that two lawyers on my subcommittee staff are not representing this chairman in that conference.

FIFTY MILLION DOLLARS FOR HOMELESS KEPT IN CONTINUING RESOLUTION

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

Mr. VENTO. Mr. Speaker, I am pleased to report to the House that the Senate action yesterday maintained the $50 million that we placed in the continuing resolution for the homeless. So, I hope that all the disagreements going on between the House and the Senate and the administration, that this action demonstrates our ability and interest in responding to a very desperate need in a positive way by virtue of congressional action before the completion of this extended session by inclusion of the $50 million for the homeless in the continuing resolution.

B. F. SISK FEDERAL BUILDING

Mr. FARY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 5029) to designate the Federal building in Fresno, Calif., as the "B. F. Sisk Federal Building," and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. BURGENER. Reserving the right to object, Mr. Speaker, would the chairman be kind enough to respond, does this measure contain the parking lot on Ivy Street?

Mr. FARY. No, sir.

Mr. Speaker, H.R. 5029 is a bill to designate the Federal building in Fresno, Calif., as the "B. F. Sisk Federal Building."

Some of our younger colleagues never had the pleasure of knowing B. F. Sisk, who served as the Representative of the 15th Congressional District of California from 1954 until his retirment in 1978. During his 24 years in this body, those of us who enjoyed his friendship recognized his skills as a legislative broker and a relentless protector of his constituents' interests. Naming this building would be an appropriate and fitting gesture on our part for former Congressman Sisk.

I urge its immediate approval.

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 5029, legislation that would designate the Federal building in Fresno, Calif., as the "B. F. Sisk Federal Building" in honor of Bernie Sisk.

Mr. Speaker, Bernie Sisk was elected to the 84th Congress on November 2, 1954, and reelected to each succeeding Congress until 1978, at which time he announced he would not seek reelection. During his tenure in the House, he mastered the complexities of farm and water legislation. He was instrumental in assuring that his district was not overlooked in a variety of Federal programs, whether it was water and dam projects, passenger train service, or educational and public television programs.

Bernie Sisk served in this body with integrity of purpose and deep devotion to the cause of improving the lives of his constituents and all citizens of our Nation. He was not afraid of hard decisions, and he always carried the heavy responsibilities of his job gracefully and effectively.

I urge my colleagues of the House to support this fitting recognition of a distinguished public servant. In the years which I had the privilege of serving with Congressman Sisk, he was held in high esteem by his colleagues and was widely known for his legislative abilities. Bernie was a fine legislator, and a Congressman of compassion, courage, and patriotism, who provided exemplary service to his constituents, and to the citizens of our Nation for 24 years.

I urge enactment of H.R. 5029.●

● Mr. CLAUSEN. Mr. Speaker, I rise in support of this legislation to name this building in Fresno, Calif., in honor of Bernie Sisk. Bernie served with distinction as a distinguished member of the Rules Committee for many years. He was particularly effective in his extraordinary monitoring of agricultural issues affecting his constituents, especially in forestry matters.

I had the unique opportunity to serve with Bernie in a truly bipartisan coalition in northern California that played a key role in coordinating California's position on forestry matters. Moreover, I also served with him on a short interim ad hoc committee on professional sports, an assignment I particularly enjoyed. Bernie was a champion of the sports interest and through his hard work, he pulled together a broad cross-section in maintaining the viability of these interests.

For all of these reasons, I think it would be most appropriate that we pass the bill for this dedicated public servant.●

Mr. BURGENER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 1130 O Street, Fresno, California 93721, known as the Federal Building, shall hereafter be known and designated as the "B. F. Sisk Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "B. F. Sisk Federal Building".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAUL FINDLEY BUILDING

Mr. FARY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 7406) to designate a certain Federal building in Springfield, Ill., the "Paul Findley Building," and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. STANGELAND. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I would like to urge my colleagues to support H.R. 7406, legislation designating the Federal building in Springfield, Ill., as the "PAUL FINDLEY Building." This is a fitting tribute to a dedicated Member of Congress who has served his Nation well for over 20 years here in Washington. Moreover, as one who has had the opportunity of working with PAUL FINDLEY on the Agriculture Committee, I can speak from firsthand experience that his independence and insight when dealing with issues will be sorely missed, even by one such as me who did not always agree with him. As those of us who have worked with PAUL know, this independence is one of his greatest attributes and a trait that we should all strive to develop.

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. FARY. Mr. Speaker, H.R. 7406 is a bill to designate the Federal building in Springfield, Ill., as the "PAUL FINDLEY Building."

As we all know, Mr. Speaker, our colleague, PAUL FINDLEY, has represented the 29th Congressional District of my home State of Illinois for 22 years. He will be leaving us shortly, and I think this would be a memorable gesture on our part to recognize the accomplishments of such a distinguished public servant.

PAUL came to Congress in 1960, bringing with him his experience as a newspaper printer and publisher. He has authored two books: "The Federal Farm Fable" (1968); and more recently, "The Crucible of Congress" (1979), a book on President Lincoln's service in the House of Representatives, a subject on which he is regarded as a scholar. Over the years, he has blended his efforts on the Foreign Affairs and Agriculture Committees to become a very effective spokesman for those issues of great importance to Illinois, one of our Nation's largest exporting States. Congressman FINDLEY is currently the ranking minority member of the House Agriculture Committee's Subcommittee on Wheat, Soybeans, and Feed Grains, as well as the ranking minority member of the House Foreign Affairs Subcommittee on Europe and the Middle East.

PAUL's career spans a wide range of accomplishments which exhibit a commitment to interests of his constituents as well as a compassionate sensitivity for all peoples throughout the country. As organizer and chairman of three highly successful international soybean fairs in Washington, D.C., he was able to promote sales of soybeans and soybean products to foreign countries with flourishing results. Congressman FINDLEY was an early and strong opponent to the Vietnam war, as well as one of the first U.S. Congressmen to advocate the normalization of diplomatic relations with China. During the 1960's, Mr. FINDLEY led Republicans in support of a series of landmark civil rights bills.

Mr. Speaker, before coming to Congress, I traveled the road from Chicago to Springfield for 20 years as a member of the Illinois General Assembly. Each time, I passed a sign which read: "You Are Entering Paul Findley Country," and I vowed he would be the first person whom I would seek out in Washington. I did and I have enjoyed our friendship ever since.

I urge immediate passage of this legislation.

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 7406, a bill to designate the Federal building in Springfield, Ill., as the "Paul Findley Building."

Mr. Speaker, PAUL is well known to all the Members of the House as the Congressman representing the 20th District in Illinois. His service began with his election to the 87th Congress in 1960 and spans 22 years to date. Due to his adroit and conscientious service, he has risen to the senior ranks of his committee assignments on Foreign Affairs and Agriculture.

No Member leaves this body without making an impression and Mr. FINDLEY is certainly no exception. I would like to bring some of his many accomplishments to the attention of our colleagues:

Delegate to 11th and 12th Annual NATO Parilamentarians Conferences, 1965 and 1966.

Recipient of the highest civilian award by Federal Republic of Germany and the Estes Kefauver Memorial Award for his leadership in NATO policy.

Founder of Youth Jobs Services to help coordinate and find summer jobs for young adults in central Illinois.

Organizer and chairman of Illinois Agricultural Trade Mission to the Soviet Union.

Mr. Speaker, PAUL FINDLEY is a person who endeavored to make the world a better place in which we all might live. I believe this House and our country have been the fortunate beneficiaries of his industrious and sustained efforts. Renaming this building would be a small token of our appreciation for his long and dedicated service. I urge its approval.●

● Mr. CLAUSEN. Mr. Speaker, I rise in support of H.R. 7406, a bill to designate the Federal Building in Springfield, Ill., as the "Paul Findley Building." As the Representative from a congressional district made up of the district that first elected Abraham Lincoln to the House of Representatives in 1846, PAUL FINDLEY has admirably represented his constituency for over 20 years, many times taking difficult, not widely held positions on important issues facing the House. It is this independence and integrity that has made PAUL FINDLEY a truly valuable Member of Congress.

As an honor to PAUL's dedicated service over 2 decades to this Nation. I ask my colleagues to join with me in supporting H.R. 7406.●

Mr. STANGELAND. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 7406

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building located at 600 East Monroe in Springfield, Illinois is hereby designated as the "Paul Findley Building". Any reference in any law, regulation, document, record, map or other paper of the United States to such building shall be considered to be a reference to the Paul Findley Building.

SEC. 2. This bill shall take effect on January 3, 1983.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TENNYSON GUYER FEDERAL BUILDING

Mr. FARY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 6538) to designate the Federal building in Lima, Ohio, as the "Tennyson Guyer Federal Building,"

and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. STANGELAND. Reserving the right to object, Mr. Speaker, I wish to express my support for this bill designating the Federal Building in Lima, Ohio, as the "Tennyson Guyer Federal Building." This is a fitting tribute to Tenny Guyer who served the people of his district in Ohio, as well as the rest of the Nation, with distinction during his 9 years of service in Congress.

It was indeed a great honor and privilege for me to serve with Tennyson Guyer for part of his tenure and I must say that I valued his opinion on many important issues that faced us during that time. For these reasons, I would urge my colleagues to join with me in supporting H.R. 6538.

Mr. STANGELAND. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. FARY. Mr. Speaker, H.R. 6538 would designate the Federal building in Lima, Ohio, as the "Tennyson Guyer Federal Building."

Mr. Speaker, Tennyson Guyer, as we all know, was the Representative of the Fourth Congressional District in Ohio, who passed away on April 12 of last year. Prior to his election to Congress in 1972, Mr. Guyer served as the mayor of Celina, Ohio, from 1940-44; State Central Committeeman from 1954-66; and as an Ohio State senator form 1959-72. While here in Congress, he served on the Veterans' and the Foreign Affairs Committee and the Select Committee on Narcotics Abuse and Control. Most recently he served on the House task force on missing persons in Vietnam.

While laboring here in Congress, as he did so well, Tenny evoked much respect and admiration from his House colleagues. He was well known for his love of country, his warm sense of humor and his quick wit. Motivated by his strong religious faith to perform selflessly on behalf of his constituents, Tenny was also an ordained minister of the Church of God of North America.

Naming this building would be a small, but fitting tribute to such a distinguished person. I urge its approval.

Mr. OXLEY. Mr. Speaker, H.R. 6538 will serve as a great tribute to our former colleague and friend Tennyson Guyer, whose untimely passing last year represented a great loss to the Fourth Congressional District and northwest Ohio.

Tenny's achievements during his tenure in office were, of course, many, but among them was the establishment of a Federal building in Lima to better serve the citizens of the fourth district. The building, which consolidated a number of Federal offices, has served the area well, just as Tenny Guyer served the people of the fourth district.

I can think of no finer honor than to rename this building the "Tennyson Guyer Federal Building", and I urge my colleagues to pass H.R. 6538 in order that Tenny's hard work and dedication to his constituency and his country may be recognized for generations to come.

● Mr. HOWARD. Mr. Speaker, I rise in support of H.R. 6538, a bill to designate the Federal building in Lima, Ohio, as the "Tennyson Guyer Federal Building."

Mr. Speaker, as my colleagues are aware, Tenny, as he was known to his friends, was first elected to Congress in 1972 and was reelected to the House for four consecutive terms. While in Congress, he first served on the Committee on Internal Security and later was a member of the Committee on Foreign Affairs, the Committee on Veterans' Affairs, the Select Committee on Narcotics Abuse and Control and was named to head the task force on MIA/POW's in Southeast Asia.

His untimely death on April 12 saddened all of us who knew and admired Tenny as a great American, a great family man, and a great Christian.

Naming this building is a fitting tribute to such a dedicated person who not only represented the people of the Fourth Congressional District of Ohio, but the people throughout the Nation.●

● Mr. CLAUSEN. Mr. Speaker, I would like to join with my colleagues and support H.R. 6538, legislatoin to name the Federal Building in Lima, Ohio, in honor of Tennyson Guyer.

It was my privilege to have known Tennyson Guyer during his nearly 10-years of service in Congress. He was a speical person and friend whose energy and enthusiasm for life were exemplified by his many contributions to his country and the people he served. Moreover, Tennyson Guyer set a code of honesty, decency, credibility and trustworthiness to which we all should aspire. Considering these attributes as well as his strong devotion to his country, it would be my hope that we expeditiously pass H.R. 6538.●

Mr. STANGELAND. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 6538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at 401 West North Street, Lima, Ohio, 45801, known as the Lima Federal Building, shall hereafter be known and designated as the "Tennyson Guyer Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to the Lima Federal Building shall be deemed to be a reference to the Tennyson Guyer Federal Building.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1030

WALTER E. HOFFMAN U.S. COURTHOUSE

Mr. FARY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill (H.R. 5027) to designate the building known as the U.S. Post Office and Courthouse in Norfolk, Va., as the "Walter E. Hoffman U.S. Courthouse", and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. STANGELAND. Mr. Speaker, reserving the right to object, I will not object, but I yield under my reservation to the gentleman from Illinois (Mr. FARY)

Mr. FARY. Mr. Speaker, H.R. 5027 is a bill to designate the Federal Courthouse in Norfolk, Va., as the "Walter E. Hoffman United States Courthouse." This facility is currently shared between the U.S. District Court for the Eastern District of Virginia and the U.S. Post Office. With the impending removal of the Post Office from the building, the courts will remain as the major occupant.

Walter E. Hoffman was appointed a U.S. district judge by President Dwight D. Eisenhower in 1954. His tenure spanned some 20 years until 1974, when Judge Hoffman assumed senior status on the district court, more than any other judge in the history of this district. During this period he also served as chief judge from 1961-73.

Judge Hoffman was born in Jersey City, N.J., and moved to Norfolk with his family after graduation from the Wharton School of Finance and Commerce at the University of Pennsylvania. His law degree was earned from Washington and Lee University and he practiced law for 23 years before being elevated to the bench.

His profile boasts numerous civic, religious, academic and professional activities, far more than most of us can lay claim to. Included among this list is a 20-year membership of the southern football officials association, during which he officiated at 112 major college football games.

Mr. Speaker, as most judges do, Judge Hoffman was confronted with many controversial cases. Throughout his long career, however, he has commanded the admiration and respect of this community and colleagues, not

only for his judicial integrity, but also for his sturdy diligence under a voluminous caseload. No small feat, I might add.

I thank the gentleman from Virginia (Mr. WHITEHURST) for introducing this bill and urge its immediate approval.

Mr. WHITEHURST. Mr. Speaker, it was a pleasure and a privilege for me to introduce H.R. 5027, to name the present U.S. Post Office and courthouse in Norfolk the "Walter E. Hoffman United States Courthouse."

Judge Hoffman took the oath of office as a U.S. district judge at Norfolk, Va., on September 3, 1954, and retired on September 2, 1974, taking senior judge status at that time. From October of 1974 until July 18, 1977, he served as director of the Federal Judicial Center here in Washington, stepping down when he reached the statutory retirement age of 70. He was admitted to the Virginia Bar in 1929, and upon his graduation from the Washington and Lee University Law School, he began practicing law in Norfolk in 1931.

In addition, for 20 years he served as a member of the Southern Football Officials Association, officiating at 112 major college games. Both as a judge and as a football official, he unfailingly made his calls according to the rules and never on the basis of political expediency. I will not attempt to go into detail regarding his long and distinguished career, but I will insert for my colleagues' interest and information an editorial which appeared in the Norfolk, Va., Ledger-Star on November 30, 1981, shortly after I had introduced my bill, which gives many of the best reasons for honoring this man in this way, and I will conclude my remarks by quoting from a letter from Mr. W. Farley Powers, Jr., clerk of the U.S. District Court for the Eastern District of Virginia, who first suggested that I introduce H.R. 5027:

For over 27 years this man has been the epitome of what justice and the U.S. court system should be. With a superior intellect, integrity beyond question and a compassion for his fellow man as expansive as his girth there is no one person in the entire judicial system for whom the title "Judge" is more observed or fitting.

Thank you, Mr. Speaker. I am most grateful for the favorable consideration of H.R. 5027 by my colleagues.

JUDGE HOFFMAN'S COURTHOUSE SHOULD BEAR HIS NAME

(By Frank Callahan)

When the Postal Service moves out of the United States Post Office and Courthouse, Second District Rep. G. William Whitehurst wants to give a new name to the building, which occupies a city block at Granby Street and Brambleton Avenue in downtown Norfolk.

Under legislation offered by Mr. Whitehurst, on Nov. 1, 1982, the edifice would become the Walter E. Hoffman Courthouse.

This is a gesture most in Tidewater would applaud since Judge Hoffman, now on senior status, is held in high esteem here. Besides, he has a distinguished record of judicial service, established over a period now stretching toward three decades. But there's more to the Whitehurst proposal than simply honoring an outstanding member of the bench.

Judge Hoffman for many years labored in that building in the fullest sense. In the Fifties, he carried a heavy burden of unpopularity because of his rulings in the early school desegregation cases. One story has it that he couldn't get up a foursome for golf. Another goes that, while sitting among a large crowd at a funeral, he whispered to the man next to him: "If that was 'Beef' Hoffman up there in that casket, this place would be empty." Apocryphal perhaps, but they make the point.

Later, in the Sixties, it was the swift growth of the federal caseload that challenged him. Congress in those days moved more slowly than it moves today to create new judgeships. Trying to keep up with the demand, Judge Hoffman worked seven-day weeks and 12-hour days.

He was alone here in the most populous area of the state. He imported help wherever he could find it. Sometimes Judge John Butzner, now on the federal circuit bench, came down from Richmond to lend a judicial hand. Judge Oren Lewis from Northern Virginia helped, too, when he could. Then there was what observers around the court liked to refer to as the Virginia Beach session. Judge Ted Dalton of the Western District would do his part every summer—and simultaneously take a cottage at the ocean.

Finally in the later Sixties, Congress created not one, but two new judgeships for the Eastern District of Virginia. Incredibly, though, long-overdue help for Judge Hoffman proved elusive still. A sensitive political problem arose when President Johnson found himself considering three candidates—all with important political backing—for two openings. Politics in this case became the art of delay. After some months, a third opening occurred, solving LBJ's political problem, and Judge Hoffman found himself, for the first time, with two resident colleagues to share the caseload.

But for many years it had been Judge Hoffman on his own—burning midnight and weekend oil. So Mr. Whitehurst has taken on a worthy project indeed. To some degree, though, the gesture is academic. Because, in a unique way, that massive gray stone structure—suggesting a sturdiness characteristic of the judge himself—has been the Walter E. Hoffman Courthouse for years.

Mr. STANGELAND. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building located at the intersection of Granby Street and Brambleton Avenue in Norfolk, Virginia, known as the United States Post Office and Courthouse, shall hereafter be known and designated as the "Walter E. Hoffman United States Courthouse". Any reference in a law, map, regulation, document, record, or other paper of the United States to that building shall be deemed to be a reference to the "Walter E. Hoffman United States Courthouse".

SEC. 2. This Act shall take effect on November 1, 1982.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FARY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the four bills just passed.

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

There was no objection.

DON H. CLAUSEN FISH HATCHERY

Mr. ROE. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be discharged from further consideration of the bill, H.R. 7420, to name the fish hatchery at the Warm Springs Dam component of the Russian River, Dry Creek, Calif., project as the Don H. Clausen Fish Hatchery, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. HAMMERSCHMIDT. Mr. Speaker, reserving the right to object, I shall not object. I am a sponsor of this bill.

Mr. Speaker, I want to express my very great pleasure at being able to sponsor and speak on behalf of this most worthy legislation.

DON CLAUSEN has served the Congress of the United States for 20 years in a most exemplary fashion. He is well known for his leadership in transportation, natural resources, and particularly water resources. His environmental sensitivity, coupled with his desire to help people, has led to many worthwhile projects. He has always taken the lead in assuring that mitigation and environmental enhancement are part of meeting water resources needs.

In this regard he has been a leader in developing and expanding the fish hatchery which is part of the Warm Springs project in California. This hatchery, which produces a myriad of trout, steelhead, and salmon, has brought back the fish population in the Russian River. In fact the number of salmon returning to the hatchery has risen from less than a dozen last year to well over 1,000 this year.

The naming of this fish hatchery after the gentleman from California is but a small token to bestow on a person whose untiring efforts have provided so much to this body and to the Nation. Yet, it is most fitting that

this hatchery be named after DON CLAUSEN because, as the hatchery revitalizes the Russian River fishery, it will be a living reminder of the revitalization that Congressman CLAUSEN brought to so many programs. I urge all my colleagues to join me in supporting this well-deserved legislation.

Mr. ROE. Mr. Speaker, will the gentleman yield?

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

Mr. ROE. Mr. Speaker, the Warm Springs Lake project is located about 75 miles north of San Francisco on Dry Creek, a tributary of the Russian River in Sonoma County, Calif. It was authorized by the Flood Control Act of 1962. The project will provide flood control, water supply, and recreation.

The fish hatchery presently under construction at Warm Springs Dam was authorized by section 95 of the Water Resources Development Act of 1974. Its purpose is to compensate for fish losses on the Russian River which may be attributed to the operation of the Coyote Dam component of the Russian River project.

Congressman CLAUSEN was elected to the 88th Congress in a special election on January 22, 1963. He was reelected to succeeding Congresses through the 97th Congress. During these 20 years he has given his constituents and his Nation outstanding service in the House of Representatives. He serves on the Interior and Insular Affairs Committee and the Committee on Public Works and Transportation. He has served as ranking minority member on both committees, most recently on public works. He has been a strong and effective voice in the development and conservation of our Nation's water resources. He has served with distinction on a number of subcommittees of the two committees including Parks and Insular Affairs, Water and Power Resources, Energy and the Environment, and Water Resources. He has been instrumental in the formulation and passage of legislation concerning protection of the environment, of water quality improvement and water resources development.

In light of his many contributions to the protection of our natural resources, I am pleased to recommend passage of H.R. 7420 which would name the fish hatchery at Warm Springs Dam in his honor.

● Mr. HOWARD. Mr. Speaker, I rise in support of the bill H.R. 7420 to designate the fish hatchery at the Warm Springs Dam in California as the "Don H. Clausen Fish Hatchery."

DON CLAUSEN has served with honor and distinction in this body for 20 years. He has been ranking minority member of both the Committee on Interior and Insular Affairs and Public Works and Transportation. I have had the privilege and the pleasure of working with him as ranking minority member on our Public Works and Transportation Committee for the past 2 years. In that position he has been helpful and cooperative and has played a significant role in the development and passage of legislation before the committee. In the area of water resources development and consideration, he has made significant contributions during his years in Congress. He has played key roles in the formulation of policy and legislation for water pollution control, water resources development, protection and enhancement of fish and wildlife, and parks and recreation. He leaves a record of achievement of which he can be proud, and which few can match.

Mr. Speaker, DON CLAUSEN will be sorely missed by this Congress, by our committee, and by me. It has been my genuine pleasure to have had the opportunity to work with him over the years. I think it is most appropriate that the Warm Springs Fish Hatchery be named in his honor in recognition of his years of involvement in water resources and natural resources issues.●

Mr. HAMMERSCHMIDT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 7420

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fish hatchery at the Warm Springs Dam component of the Russian River, Dry Creek, California project, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1173), as modified by section 95 of the Water Resources Development Act of 1974 (88 Stat. 40), shall hereafter be known as the "Don H. Clausen Fish Hatchery". Any law, regulation, map, document, or record of the United States in which such fish hatchery is referred to shall be held and considered to refer to such fish hatchery as the "Don H. Clausen Fish Hatchery". This Act shall take effect on January 4, 1983.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

AMENDING AND EXTENDING TRIBALLY CONTROLLED COMMUNITY COLLEGE ASSISTANCE ACT OF 1978

Mr. SIMON. Mr. Speaker, I ask unanimous consent for immediate consideration of the Senate bill (S. 2623) to amend and extend the Tribally Controlled Community College Assistance Act of 1978, and for other purposes.

The Clerk read the title of the Senate bill.

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

Mr. ERDAHL. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman from Illinois, the distinguished chairman of the Subcommittee on Postsecondary Education, what he intends to do in calling up the bill passed by the other body which is similar to H.R. 6485, as reported by the Committee on Education and Labor.

Mr. SIMON. If the gentleman would yield, Mr. Speaker, I would be happy to explain.

Mr. ERDAHL. I am happy to yield to the gentleman from Illinois.

Mr. SIMON. It is my intention to move to strike all after the enacting clause in S. 2623 and substitute therefor an amendment. The amendment is identical to the committee bill (H.R. 6485) in every respect, except it deletes the construction section—section 12—and the endowment section—section 13. This would remove the sections to which my colleagues on the other side of the aisle have expressed concern; and permit us to go to conference before the Congress adjourns.

Mr. ERDAHL. Mr. Speaker, I thank the gentleman from Illinois for his explanation, and I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2623

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

SECTION 1. The matter preceding title I of the Tribally Controlled Community College Assistance Act of 1978 (92 Stat. 1325) (hereafter in this Act referred to as the "Act") is amended—

(1) by striking out "DEFINITIONS" and inserting in lieu thereof the following:

"DEFINITIONS

"SEC. 2. (a) For purposes of this Act, the term—;

(2) by inserting before the semicolon at the end of paragraph (5) thereof the following: "and the reference to Secretary in clause (5)(A) of such section shall be deemed to refer to the Secretary of the Interior"; and

(3) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled community college, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours of all Indian students so enrolled, divided by twelve.

"(b) For the purpose of determining the Indian student count pursuant to paragraph (7) of subsection (a), such number shall be calculated on the basis of the registrations of Indian students as in effect at the conclusion of the third week of each academic term. Credits earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term. Indian students earning credits in any continuing education program of a tribally controlled community college shall be included in determining the sum of all credit hours. For such purposes, credits earned in a continuing education program shall be converted to a credit-hour basis in accordance with the tribally controlled community college's system for providing credit for participation in such program.".

SEC. 2. Section 101 of the Act is amended by inserting immediately before the period at the end thereof the following: ", and to allow for the improvement and expansion of the physical resources of such institutions".

SEC. 3. (a) Section 102 of the Act is amended—

(1) by striking out "is authorized to" in subsection (a) and inserting in lieu thereof "shall, subject to appropriations,"; and

(2) by striking out "to defray the expense of activities related to education programs for Indian students" in subsection (b) and inserting in lieu thereof "to defray, at the determination of the tribally controlled community college, expenditures for academic, educational, and administrative purposes and for the operation and maintenance of the college".

(b) Section 106(a) of the Act is amended by inserting after the second sentence the following new sentence: "Such application shall include a description of recordkeeping procedures for the expenditure of funds received under this Act which will allow the Secretary to audit and monitor programs conducted with such funds.".

SEC. 4. (a) The Act is amended—

(1) by redesignating sections 104 through 114 as sections 105 through 115, respectively; and

(2) by inserting after section 103 the following new section:

"PLANNING GRANTS

"SEC. 104. (a) The Secretary shall establish a program in accordance with this section to make grants to tribes and tribal entities to conduct planning activities for the purpose of developing proposals for the establishment of tribally controlled community colleges, or to determine the need and potential for the establishment of such colleges.

"(b) The Secretary shall establish, by regulation, procedures for the submission and review of applications for grants under this section.

"(c) From the amount appropriated to carry out this title for any fiscal year (exclusive of sums appropriated for section 105), the Secretary shall reserve (and expend) an amount necessary to make grants to five applicants under this section of not more than $15,000 each, or an amount necessary to make grants in that amount to each of the approved applicants, if less than five apply and are approved.".

(b) The Act is further amended—

(1) by striking out "section 106" in section 105 (as redesignated by subsection (a)(1)) and inserting in lieu thereof "section 107";

(2) by striking out "section 105" in section 106 (as so redesignated) and inserting in lieu thereof "section 106";

(3) by striking out "section 110" in section 107 (as so redesignated) and inserting in lieu thereof "section 111";

(4) by striking out "section 106" in section 109 (as so redesignated) and inserting in lieu thereof "section 107";

(5) by striking out "section 104" in section 109 (as so redesignated) and inserting in lieu thereof "section 105"; and

(6) by striking out "section 106(a)" in section 110 (as so redesignated) and inserting in lieu thereof "section 107(a)".

SEC. 5. Section 105 of the Act (as redesignated by section 4(a)(1)) is amended—

(1) by inserting "from a tribally controlled community college which is receiving funds under section 108" after "upon request" in the first sentence thereof; and

(2) by striking out "to tribally controlled community colleges" in such sentence.

SEC. 6. (a) Section 106 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "FEASIBILITY" in the heading of such section and inserting in lieu thereof "ELIGIBILITY";

(2) by striking out "feasibility" each place it appears in such section and inserting in lieu thereof "eligibility";

(3) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" in subsection (a) and inserting in lieu thereof "Secretary of Education";

(4) by inserting at the end of subsection (b) the following new sentence: "Such a positive determination shall be effective for the fiscal year succeeding the fiscal year in which such determination is made."; and

(5) by striking out "10 per centum" in subsection (c)(2) and inserting in lieu thereof "5 per centum".

(b) Section 107(a) of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "feasibility" in subsection (a) and inserting in lieu thereof "eligibility", and

(2) by striking out "Assistant Secretary of Education of the Department of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

SEC. 7. Section 108(a) of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"SEC. 108. (a) Except as provided in section 111, the Secretary shall, subject to appropriations, grant for each academic year to each tribally controlled community college having an application approved by him an amount equal to the product of—

"(1) the Indian student count at such college during such academic year, as determined by the Secretary in accordance with section 2(a)(7) of this Act; and

"(2)(A) $4,000 for fiscal year 1983,

"(B) $4,000 for fiscal year 1984,

"(C) $5,025 for fiscal year 1985,

"(D) $5,415 for fiscal year 1986, and

"(E) $5,820 for fiscal year 1987,

except that no grant shall exceed the total cost of the education program provided by such college.".

SEC. 8. Section 109 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by inserting "(a)" immediately after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b)(1) The amount of any grant for which tribally controlled community colleges are eligible under section 108 shall not be altered because of funds allocated to any such colleges from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

"(2) No tribally controlled community college shall be denied funds appropriated under said Act of November 2, 1921, because of the funds it receives under this Act.

"(c) For the purposes of section 312(2)(A)(i) and 322(a)(2)(A)(i) of the Higher Education Act of 1965, any Indian student who receives a student assistance grant from the Bureau of Indian Affairs for postsecondary education shall be deemed to have received such assistance under subpart 1 of part A of title IV of such Act.".

SEC. 9. (a) Section 110 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"APPROPRIATION AUTHORIZATION

"SEC. 110. (a)(1) There is authorized to be appropriated, for carrying out section 105, $3,200,000 for each of the fiscal years 1985, 1986, and 1987.

"(2) There is authorized to be appropriated for carrying out section 107, $30,000,000 for each of such fiscal years.

"(3) There are authorized to be appropriated such sums as may be necessary to carry out sections 112(b) and 113 for each of such fiscal years.

"(b) For the purpose of affording adequate notice of funding available under this Act, appropriations for grants provided in section 107 of the Act are authorized to be included in an appropriations Act for the fiscal year immediately preceding the academic year for which grants are to be provided. Amounts appropriated for the academic year succeeding the current fiscal year shall become available for obligation on July 1 of the year in which they are appropriated and shall remain available until September 30 of the succeeding fiscal year. In order to effect a transition to the forward funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding academic year.".

SEC. 10. Section 111 of the Act (as redesignated by section 4(a)(1) of this Act) is amended by redesignating subsection (b) as subsection (c) and by striking out subsection (a) and inserting in lieu thereof the following:

"(a)(1) If the sums appropriated for any fiscal year pursuant to section 110(a)(2) for grants under section 107 are not sufficient to pay in full the total amount which approved applicants are eligible to receive under such section for such fiscal year—

"(A) the Secretary shall first allocate to each such applicant which received funds under section 107 for the preceding fiscal year, or which was an eligible but unfunded applicant during the preceding year, an amount equal to the product of—

"(i) the per capita payment for the preceding fiscal year, and

"(ii) such applicant's Indian student count for the current fiscal year;

"(B) the Secretary shall next allocate an amount equal to the product described in subparagraph (A) to applicants who do not receive funds under subparagraph (A) in the order in which such applicants have qualified for assistance in accordance with section 107.

"(2) For purposes of paragraph (1) of this subsection, the term 'per capita payment' for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled community colleges under section 107 for such fiscal year by the sum of the Indian student counts of such colleges for such fiscal year. The Secretary shall, on the basis of the most satisfactory data available, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this title.

"(b)(1) If the sums appropriated for any fiscal year for grants under section 107 are not sufficient to pay in full the total amount of the grants determined pursuant to subsection (a)(1)(A) the amount which applicants described in such subsection are eligible to receive under section 107 for such fiscal year shall be ratably reduced.

"(2) If any additional funds become available for making payments under section 107 for any fiscal year to which subsection (a) or paragraph (1) of this subsection applies, such additional amounts shall be allocated by first increasing grants reduced under paragraph (1) of this subsection on the same basis as they were reduced and by then allocating the remainder in accordance with subsection (a). Sums appropriated in excess of the amount necessary to pay in full the total amounts for which applicants are eligible under section 107 shall be allocated by ratably increasing such total amounts.

"(3) References in this subsection and subsection (a) to section 107 shall, with respect to fiscal year 1982, be deemed to refer to section 106 as in effect at the beginning of such fiscal year.".

SEC. 11. Section 112 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"REPORT ON FACILITIES

"SEC. 112. (a) The Administrator of General Services shall provide for the conduct of a study of facilities available for use by tribally controlled community colleges. Such study shall consider the condition of currently existing Bureau of Indian Affairs facilities which are vacant or underutilized and shall consider available alternatives for renovation, alteration, repair, and reconstruction of such facilities (including renovation, alteration, repair, and reconstruction necessary to bring such facilities into compliance with local building codes). Such study shall also identify the need for new construction. A report on the results of such study shall be submitted to the Congress not later than September 30, 1984. Such report shall also include an identification of property (1) on which structurally sound buildings suitable for use as educational facilities are located, and (2) which is available for use by tribally controlled community colleges under section 202(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)(2)) and under the Act of August 6, 1956 (70 Stat. 1057; 25 U.S.C. 443a).

"(b) The Administrator of General Services, in consultation with the Bureau of Indian Affairs, shall initiate a program to conduct necessary renovations, alterations, repairs, and reconstruction identified pursuant to subsection (a) of this section.

"(c) For the purposes of this section, the term 'reconstruction' has the meaning provided in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B)).".

SEC. 12. Section 113 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"CONSTRUCTION OF NEW FACILITIES

"SEC. 113. (a) With respect to any tribally controlled community college for which the report of the Administrator of General Services under section 112(a) of this Act identifies a need for new construction, the Secretary shall, subject to appropriations and on the basis of an application submitted in accordance with such requirements as the Secretary may prescribe by regulation, provide grants for such construction in accordance with this section.

"(b) In order to be eligible for a grant under this section, a tribally controlled community college (1) must be a current recipient of grants under section 105 or 107, and (2) must be accredited by a nationally recognized accrediting agency listed by the Secretary of Education pursuant to the last sentence of section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)), except that such requirement may be waived if the Secretary determines that there is a reasonable expectation that such college will be fully accredited within eighteen months. In any case where such a waiver is granted, grants under this section shall be available only for planning and development of proposals for construction.

"(c)(1) Except as provided in paragraph (2), grants for construction under this section shall not exceed 80 per centum of the cost of such construction, except that no tribally controlled community college shall be required to expend more than $400,000 in fulfillment of the remaining 20 per centum. For the purpose of providing its required portion of the cost of such construction, a tribally controlled community college may use funds provided under the Act of November 2, 1921 (25 U.S.C. 13), popularly referred to as the Snyder Act.

"(2) The Secretary may waive, in whole or in part, the requirements of paragraph (1) in the case of any tribally controlled community college which demonstrates that neither such college nor the tribal government with which it is affiliated have sufficent resources to comply with such requirements. The Secretary shall base a decision on whether to grant such a waiver solely on the basis of the following factors: (A) tribal population; (B) potential student population; (C) the rate of unemployment among tribal members; (D) tribal financial resources; and (E) other factors alleged by the college to have a bearing on the availability of resources for compliance with the requirements of paragaph (1) and which may include the educational attainment of tribal members.

"(d) If, within twenty years after completion of construction of a facility which has been constructed in whole or in part with a grant made available under this section—

"(1) the applicant ceases or fails to be a public or nonprofit institution,

"(2) the facility ceases to be used by the applicant as an academic facility, unless the Secretary determines that there is good cause for releasing the institution from this obligation, or

"(3) the tribe with which the applicant is affiliated fails to use the facility for a public purpose approved by the tribal government in furtherance of the general welfare of the community served by the tribal government, the United States shall be entitled to recover from such applicant (or its successor in title or possession) an amount which bears to the value of the facility at the time the same ratio as the amount of the grant under this section bore to the cost of the facility constructed with the aid of such grant. Such value shall be determined by agreement of the parties or by action brought in the United States district court for the district in which such facility is located.

"(e) No construction assisted with funds under this section shall be used for religious worship or a sectarian activity or for a school or department of divinity.

"(f) For the purposes of this section, the Secretary shall have the authority granted to the Secretary of Education pursuant to section 732(b) of the Higher Education Act of 1965 (20 U.S.C. 1132d-1) with respect to construction under title VII of such Act.

"(g) For the purposes of this section—

"(1) the term 'construction' includes reconstruction or renovation (as such terms are defined in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B))); and

"(2) the term 'academic facilities' has the meaning provided such term under section 742(1) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(1)).".

SEC. 13. The Act is further amended by adding at the end thereof the following new title:

"TITLE III—TRIBALLY CONTROLLED COMMUNITY COLLEGE ENDOWMENT PROGRAM

"PURPOSE

"SEC. 301. It is the purpose of this title to provide grants for the encouragement of endowment funds for the operation and improvement of tribally controlled community colleges.

"ESTABLISHMENT OF PROGRAM; PROGRAM AGREEMENTS

"SEC. 302. (a) From the amount appropriated pursuant to section 306, the Secretary shall establish a program of making endowment grants to tribally controlled community colleges which are current recipients of assistance under section 107 of this Act or under section 3 of the Navajo Community College Act. No such college shall be ineligible for such a grant for a fiscal year by reason of the receipt of such a grant for a preceding fiscal year.

"(b) No grant for the establishment of an endowment fund by a tribally controlled community college shall be made unless such college enters into an agreement with the Secretary which—

"(1) provides for the establishment and maintenance of a trust fund at a federally insured banking or savings institution;

"(2) provides for the deposit in such trust fund of—

"(A) any Federal capital contributions made from funds appropriated under section 306;

"(B) a capital contribution by such college in an amount equal to the amount of each Federal capital contribution; and

"(C) any earnings of the funds so deposited;

"(3) provides that such funds will be deposited in such a manner as to insure the accumulation of interest thereon at a rate not less than that generally available for similar funds deposited at the same banking or savings institution for the same period or periods of time;

"(4) provides that, if at any time such college withdraws any capital contribution made by that college, an equal amount of Federal capital contribution shall be withdrawn and returned to the Secretary for reallocation to other colleges;

"(5) provides that no part of the net earnings of such trust fund will inure to the benefit of any private person; and

"(6) includes such other provisions as may be necessary to protect the financial interest of the United States and promote the purpose of this title and as are agreed to by the Secretary and the college, including a description of recordkeeping procedures for the expenditure of accumulated interest which will allow the Secretary to audit and monitor programs and activities conducted with such interest.

"USE OF FUNDS

"SEC. 303. Interest deposited, pursuant to section 302(b)(2)(C), in the trust fund of any tribally controlled community college may be periodically withdrawn and used, at the discretion of such college, to defray any expenses associated with the operation of such college, including expense of operations and maintenance, administration, academic and support personnel, community and student services programs, and technical assistance.

"COMPLIANCE WITH MATCHING REQUIREMENT

"SEC. 304. For the purpose of complying with the contribution requirement of section 302(b)(2)(B), a tribally controlled community college may use funds which are available from any private or tribal source.

"ALLOCATION OF FUNDS

"SEC. 305. (a) From the amount appropriated pursuant to section 306, the Secretary shall allocate to each tribally controlled community college which is eligible for an endowment grant under this title an amount for a Federal capital contribution equal to the amount which such college demonstrates has been placed within the control of, or irrevocably committed to the use of, the college and is available for deposit as a capital contribution of that college in accordance with section 302(b)(2)(B), except that the maximum amount which may be so allocated to any such college for any fiscal year shall not exceed $350,000.

"(b) If for any fiscal year the amount appropriated pursuant to section 306 is not sufficient to allocate to each tribally controlled community college an amount equal to the amount demonstrated by such college pursuant to subsection (a), then the amount of the allocation to each such college shall be ratably reduced.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 306. (a) There is authorized to be appropriated $5,000,000 for each of the fiscal years 1985, 1986, and 1987 to carry out this title.

"(b) Any funds appropriated pursuant to subsection (a) are authorized to remain available until expended.".

SEC. 14. In promulgating any regulations to implement the amendments made by this Act, the Secretary of the Interior shall consult with tribally controlled community colleges.

The SPEAKER. The gentleman from Illinois (Mr. SIMON) is recognized for 1 hour.

Mr. SIMON. Mr. Speaker, the Tribally Controlled Community College Assistance Act was first enacted in 1978 with appropriations authorized for 3 fiscal years through September 30, 1982. The Omnibus Budget Reconciliation Act of 1981—Public Law 97-35—extended the authorizations through fiscal year 1984. There are several compelling reasons that require reauthorization at this time. These reasons include:

Many of the modifications of existing law are required in order to correct administrative problems which exist now and need attention if the colleges are to survive and grow;

The construction and renovation provisions are premised on a study by General Services Administration (GSA) of facilities needed and/or available for use by the colleges. Since construction and renovation cannot begin until fiscal year 1985—when the authorization begins—it is most efficient to get the study done now;

BIA currently has plans to close a number of facilities—suitable for use by the colleges—over the next 2 years. It would be far more desirable to assess these facilities now, as they become available, than to let them set and deteriorate;

The provision for "forward funding" of these grants will permit the tribally controlled colleges to be treated like other postsecondary institutions which receive Higher Education Act funding.

The major thrust of these amendments is clarification of congressional intent and simplification of administrative procedures. The twin objectives are accomplished by simplifying the definition of eligibility and the formula for fund distribution. Current legal requirements regarding full- and part-time students have created problems within the Bureau of Indian Affairs. The proposed amendment will solve these problems, without increasing costs. New systems for providing technical assistance, providing planning grants and assessing institutional eligibility to receive funds also are meant to address administrative or fiscal problems. In the years not covered by the Omnibus Budget Reconciliation Act of 1981, provisions are made to raise the maximum per capita payment amount, consistent with the cost of living. To place Indian institutions on an equal fiscal and planning basis with non-Indian institutions—funded under the Higher Education Act of 1965—provision is made for forward funding.

On July 23, 1981, the Committee on Education and Labor Subcommittee on Postsecondary Education held an oversight hearing on the administration of the Tribally Controlled Community College Assistance Act of 1978—Public Law 95-471. At that time, testimony was received from the Bureau of Indian Affairs and from representatives of the Indian community colleges. Based upon concerns voiced at that hearing, the subcommittee worked with members of the Indian community, the tribally controlled colleges and the administration on the formulation of reauthorization legislation.

On May 4, 1982, a hearing was held on a draft legislative proposal. The measure received support from Indian tribal leaders, Indian organizations and the schools involved. On May 25, 1982, I introduced H.R. 6485 with cosponsorship by 14 Members of the House.

On June 21, 1982, H.R. 6485 was unanimously reported by the subcommittee to the full committee. On July 27, 1982, it was ordered reported by the Committee on Education and Labor.

Since that time, the other body has been engaged in its consideration of this legislation. House action was postponed pending floor action on the Senate bill. Action was completed in the other body yesterday.

My colleagues on both sides of the aisle, should note that the administration has already endorsed S. 2623.

Mr. Speaker, at this point in the RECORD I include a letter from the Assistant Secretary of Interior for Indian Affairs to Senator WILLIAM COHEN, dated December 3, 1982, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., December 3, 1982.

Hon. WILLIAM S. COHEN,
Chairman, Select Committee on Indian Affairs, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This supplements our reports to your Committee of August 18, 1982, and September 28, 1982 and our June 15, 1982 testimony before the Committee on S. 2623, a bill "To amend and extend the Tribally Controlled Community College Assistance Act of 1978."

We greatly appreciate the work you and your Committee have devoted to this legislation and acknowledge the revisions that have been made since the bill was first introduced. This supplementary report provides our views on the bill with the amendment in the nature of a substitute which we understand your Committee adopted on September 29 when the bill was ordered reported. The substitute amendment meets many of our objections to the bill and its adoption would be a significant improvement to the bill. However, we remain strongly opposed to a provision in section 8.

Although the Committee has apparently attempted to meet our objections to section 8 of the bill as introduced, we do not believe that the proposed new section 109(b) of the Act, included in section 8 of the substitute amendment, adequately meets our objections. We did not have an opportunity to comment on that provision of the substitute amendment prior to your September 29 Committee meeting.

The proposed new section 109(b) would read as follows:

"(b)(1) The amount of any grant for which a tribally controlled community college is eligible under section 108 shall not be reduced by reason of any allocation of funds provided under the Act of November 2, 1921 (25 U.S.C. 13), commonly referred to as the Snyder Act, which is made by the tribe with which such college is affiliated in accordance with priorities established by such tribe in the President's budget preparation process.

"(2) The amount of any funds provided under the Act of November 2, 1921 (25 U.S.C. 13)—

(A) for which any tribe affiliated with a tribally controlled community college is eligible, and

(B) which is allocated to such college by such tribe in accordance with priorities established by such tribe in the President's budget preparation process, shall not be reduced by reason of any grant made to such college under this title."

We believe that the above language may be viewed by some as an attempt to limit the authority of the Secretary or the President to make budget recommendations to the Congress. Such a limit would, of course, be contrary to the Constitution.

We understand from discussions with your Committee's staff that the intent of the proposed new section 109(b) is to clarify the application to the Bureau of Indian Affairs of the current provision in section 108 (25 U.S.C. 1809) of the Act which reads as follows:

"§ 108. Effect on other programs

"Except as specifically provided in this chapter, eligibility for assistance under this chapter shall not, by itself, preclude the eligibility of any tribally controlled college to receive Federal financial assistance under any program authorized under the Higher Education Act of 1965 or any other applicable program for the benefit of institutions of higher education, community colleges, or postsecondary educational institutions."

From the discussions with your staff, we believe that the intended meaning of the proposed section 109(b) would be more clearly stated as follows:

"(b)(1) The amount of any grant for which tribally controlled community colleges are eligible under section 108 shall not be altered solely because of funds allocated to any such colleges from funds appropriated under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13).

"(2) No tribally controlled community college shall be denied funds appropriated under said Act of November 2, 1921, solely because of the funds it receives under this Act."

We urge the Committee's adoption of this language.

In addition, we still have concerns about two other sections of the bill.

We remain opposed to the provisions in section 2 of the substitute amendment. We do not currently provide funds for improvement or expansion of physical facilities of the colleges. When the program was originally conceived, Congress contemplated use of existing community facilities. Building additional facilities appears to be duplicative and unwarranted at a time when Federal expenditures need to be held down. Funds provided through the Bureau are for program support only. We do not support broadening those limits.

We also remain opposed to the provisions in section 4 of the substitute amendment, which provides planning grants to tribes to develop proposals to establish additional tribally controlled community colleges. We believe this type of analysis and planning is best done at the option of the individual tribes within available resources and as part of their regular developmental processes. In light of the Administration's efforts to decrease Federal spending, we cannot support a request for the additional funds this section would require.

The Office of Management and Budget advises that there is no objection, from the standpoint of th Administration's program, to the submission of this report.

Sincerely,

KENNETH L. SMITH,
Assistant Secretary.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SIMON

Mr. SIMON. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. SIMON: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. The matter preceding title I of the Tribally Controlled Community College Assistance Act of 1978 (hereafter in this Act referred to as the "Act") is amended—

(1) by inserting after "DEFINITIONS" the following:

"SEC. 2. (a) For purposes of this Act, the term—";

(2) by striking out "and is eligible to receive services from the Secretary of the Interior" in paragraph (1);

(3) by inserting before the semicolon at the end of paragraph (5) thereof the following: "and the reference to Secretary in clause (5)(A) of such section shall be deemed to refer to the Secretary of the Interior"; and

(4) by striking out paragraph (7) and inserting in lieu thereof the following:

"(7) 'Indian student count' means a number equal to the total number of Indian students enrolled in each tribally controlled community college, determined in a manner consistent with subsection (b) of this section on the basis of the quotient of the sum of the credit hours of all Indian students so enrolled, divided by twelve.

"(b) For the purpose of determining the Indian student count pursuant to paragraph (7) of subsection (a), such number shall be calculated on the basis of the registrations of Indian students as in effect at the conclusion of the third week of each academic term. Credits earned in classes offered during a summer term shall be counted toward the computation of the Indian student count in the succeeding fall term. Indian students earning credits in any continuing education program of a tribally controlled community college shall be included in determining the sum of all credit hours. For such purposes, credits earned in a continuing education program shall be converted to a credit-hour basis in accordance with the tribally controlled community college's system for providing credit for participation in such program.".

SEC. 2. Section 101 of the Act is amended—

(1) by inserting "as a fulfillment of a continuing trust responsibility of the Federal Government as it relates to education for Indian students and" after "colleges"; and

(2) by inserting immediately before the period at the end thereof the following: ", and to allow for the improvement and expansion of the physical resources of such institutions".

SEC. 3. (a) Section 102 of the Act is amended—

(1) by striking out "is authorized to" in subsection (a) and inserting in lieu thereof "shall, subject to appropriations,"; and

(2) by striking out "to defray the expense of activities related to education programs for Indian students" in subsection (b) and inserting in lieu thereof "to defray, at the determination of the tribally controlled community college, expenditures for the operation and maintenance of the college, including administrative, academic, community, and student services programs, and technical assistance".

(b) Section 106(a) of the Act is amended by inserting after the second sentence the following new sentence: "Such application shall include a description of recordkeeping procedures for the expenditure of funds received under this Act which will allow the Secretary to audit and monitor programs conducted with such funds.".

SEC. 4. (a) The Act is amended—

(1) by redesignating sections 104 through 114 as sections 105 through 115, respectively; and

(2) by inserting after section 103 the following new section:

"PLANNING GRANTS

"SEC. 104. (a) The Secretary shall establish a program in accordance with this section to make grants to tribes and tribal entities to conduct planning activities for the purpose of developing proposals for the establishment of tribally controlled community colleges, or to derermine the need and potential for the establishment of such colleges.

"(b) The Secretary shall establish, by regulation, procedures for the submission and review of applications for grants under this section.

"(c) From the amount appropriated to carry out this title for any fiscal year (exclusive of sums appropriated for section 105), the Secretary shall reserve (and expend) an amount necessary to make grants fo five applicants under this section of not more than $15,000 each, or an amount necessary to make grants in that amount to each of the approved applicants, if less than five apply and are approved.".

(b) The Act is further amended—

(1) by striking out "section 106" in section 106 (as redesignated by subsection (a)(1)) and inserting in lieu thereof "section 107";

(2) by striking out "section 105" in section 107 (as so redesignated) and inserting in lieu thereof "section 106"; and

(3) by striking out "section 106(a)" in section 111 (as so redesignated) and inserting in lieu thereof "section 107(a)".

SEC. 5. Section 105 of the Act (as redesignated by section 4(a)(1)) is amended—

(1) by inserting "from a tribally controlled community college which is receiving funds under section 108" after "upon request" in the first sentence of subsection (a); and

(2) by striking out "to tribally controlled community colleges" in such sentence.

SEC. 6. (a) Section 106 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by striking out "FEASIBILITY" in the heading of such section and inserting in lieu thereof "ELIGIBILITY";

(2) by striking out "feasibility" each place it appears in such section and inserting in lieu thereof "eligibility";

(3) by inserting at the end of subsection (b) the following new sentence: "Such a positive determination shall be effective for

the fiscal year succeeding the fiscal year in which such determination is made."; and

(4) by striking out "10 per centum" in subsection (c)(2) and inserting in lieu thereof "5 per centum".

(b) Section 107(a) of the Act (as redesignated by section 4(a)(1) of this Act) is amended by striking out "feasibility" and inserting in lieu thereof "eligibility".

SEC. 7. Section 108(a) of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"SEC. 108. (a) Except as provided in section 111, the Secretary shall, for each academic year, grant to each tribally controlled community college having an application approved by him an amount equal to the product of—

"(1) the Indian student count at such college during such academic year, as determined by the Secretary in accordance with section 2(a)(7) of this Act; and

"(2)(A) $4,000 for fiscal year 1983,

"(B) $4,000 for fiscal year 1984,

"(C) $5,025 for fiscal year 1985,

"(D) $5,415 for fiscal year 1986, and

"(E) $5,820 for fiscal year 1987,

except that no grant shall exceed the total cost of the education program provided by such college.".

SEC. 8. Section 109 of the Act (as redesignated by section 4(a)(1) of this Act) is amended—

(1) by inserting "(a)" immediately after the section designation; and

(2) by adding at the end thereof the following new subsections:

"(b) The Secretary shall not alter the priorities or budget allocations made by an Indian tribe which operates a tribally controlled community college if such tribe identifies an allocation for that college from appropriations authorized by the Snyder Act (25 U.S.C. 13) or in accordance with the Secretary's annual budget exercises.

"(c) for the purposes of section 312(2)(A)(i) and 322(a)(2)(A)(i) of the Higher Education Act of 1965, any Indian student who receives a student assistance grant from the Bureau of Indian Affairs for postsecondary education shall be deemed to have received such assistance under subpart 1 of part A of title IV of such Act.".

SEC. 9. (a) Section 110 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"APPROPRIATION AUTHORIZATION

"SEC. 110. (a)(1) There is authorized to be appropriated, for carrying out section 105, $3,200,000 for each of the fiscal years 1985, 1986, and 1987.

"(2) There is authorized to be appropriated for carrying out section 107, $30,000,000 for each of such fiscal years.

"(b) For the purpose of affording adequate notice of funding available under this Act, appropriations under this Act are authorized to be included in an appropriation Act for the fiscal year preceding the fiscal year for which they are first available for obligation. In order to effect a transition to the advance funding method of timing appropriation action, the provisions of this subsection shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"(c) Unless otherwise provided in appropriation Acts, funds appropriated pursuant to this section shall remain available until expended.".

SEC. 10. Section 111 of the Act (as redesignated by section 4(a)(1) of this Act) is amended by redesignating subsection (b) as subsection (c) and by striking out subsection (a) and inserting in lieu thereof the following:

"SEC. 111. (a)(1) If the sums appropriated for any fiscal year pursuant to section 110(a)(2) for grants under section 107 are not sufficient to pay in full the total amount which approved applicants are eligible to receive under such section for such fiscal year—

"(A) the Secretary shall first allocate to each such applicant which received funds under section 107 for the preceding fiscal year an amount equal to the product of (i) the per capita payment for the preceding fiscal year, and (ii) such applicant's Indian student count for the current fiscal year;

"(B) the Secretary shall next allocate an amount equal to the product described in subparagraphs (A) to applicants who did not receive funds under such section for the preceding fiscal year, in the order in which such applicants have qualified for assistane in accordance with section 106, and no amount shall be allocated to a later qualified applicant until each earlier qualified applicant is allocated an amount equal to such product; and

"(C) if additional funds remain after making the allocations required by subparagraphs (A) and (B) the Secretary shall allocate such funds by ratably increasing the amounts of the grant determined under such subparagraphs.

"(2) For purposes of paragraph (1) of this subsection, the term 'per capita payment' for any fiscal year shall be determined by dividing the amount available for grants to tribally controlled community colleges under section 107 for such fiscal year by the sum of the Indian student counts of such colleges for such fiscal year. The Secretary shall, on the basis of the most satisfactory data available, compute the Indian student count for any fiscal year for which such count was not used for the purpose of making allocations under this title.

"(b)(1) If the sums appropriated for any fiscal year for grants under section 107 are not sufficient to pay in full the total amount of the grants determined pursuant to subsection (a)(1)(A) the amount which applicants described in such subsection are eligible to receive under section 107 for such fiscal year shall be ratably reduced.

"(2) If any additional funds become available for making payments under section 107 for any fiscal year to which subsection (a) or paragraph (1) of this subsection applies, such additional amounts shall be allocated by first increasing grants reduced under paragraph (1) of this subsection on the same basis as they were reduced and by then allocating the remainder in accordance with subsection (a). Sums appropriated in excess of the amount necessary to pay in full the total amounts for which applicants are eligible under section 107 shall be allocated by ratably increasing such total amounts.

"(3) References in this subsection and subsection (a) to section 107 shall, with respect to fiscal year 1982, be deemed to refer to section 106 as in effect at the beginning of such fiscal year.".

SEC. 11. Section 112 of the Act (as redesignated by section 4(a)(1) of this Act) is amended to read as follows:

"REPORT ON FACILITIES

SEC. 112. (a) The Administrator of General Services shall provide for the conduct of a study of facilities available for use by tribally controlled community colleges. Such study shall consider the condition of currently existing Bureau of Indian Affairs facilities which are vacant or underutilized and shall consider available alternatives for renovation, alteration, repair, and reconstruction of such facilities (including renovation, alteration, repair, and reconstruction necessary to bring such facilities into compliance with local building codes). Such study shall also identify the need for new construction. A report on the results of such study shall be submitted to the Congress not later than September 30, 1984. Such report shall also include an identification of property (1) on which structurally sound buildings suitable for use as educational facilities are located, and (2) which is available for use by tribally controlled community colleges under section 202(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(a)(2)) and under the Act of August 6, 1956 (Public Law 991; 25 U.S.C. 443a).

"(b) The Administrator of General Services, in consultation with the Bureau of Indian Affairs, shall initiate a program to conduct necessary renovations, alterations, repairs, and reconstruction identified pursuant to subsection (a) of this section.

"(c) For the purposes of this section, the term 'reconstruction' has the meaning provided in the first sentence of subparagraph (B) of section 742(2) of the Higher Education Act of 1965 (20 U.S.C. 1132e-1(2)(B)).".

SEC. 12. Section 113 of the Act (as redesignated by section 4(a)(1) of this Act) is repealed.

SEC. 13. (a) In promulgating any regulations to implement the amendments made by this Act, the Secretary of the Interior shall consult with tribally controlled community colleges.

(b) Any such regulations and any other regulations promulgated pursuant to the Act shall be subject to section 431 of the General Education Provisions Act, and the requirements of such section applicable to the Secretary of Education shall apply to the Secretary of the Interior with respect to such regulations.

Mr. SIMON (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The question is on the amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. SIMON).

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2623

Mr. SIMON. Mr. Speaker, I ask unanimous consent to insist on the House amendment and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? The Chair hears none, and appoints the following conferees:

Messrs. PERKINS, FORD of Michigan, GAYDOS, ANDREWS, SIMON, WEISS, KILDEE, PEYSER, WILLIAMS of Montana, ECKART, ERLENBORN, COLEMAN, ERDAHL, DENARDIS, CRAIG, and BAILEY of Missouri.

GENERAL LEAVE

Mr. SIMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

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

There was no objection.

CARIBBEAN BASIN ECONOMIC RECOVERY ACT

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 629 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 629

Resolved, That upon the adoption of this resolution it shall be in order, section 311(a) of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, to 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. 7397) to promote economic revitalization and facilitate expansion of economic opportunity in the Caribbean Basin region, the first reading of the bill shall be dispensed with, and all points of order against section 201 of said bill for failure to comply with the provisions of clause 5, rule XXI, are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendment to the bill shall be in order except: (1) amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment, and it shall be in order to consider en bloc the amendments recommended by the Committee on Ways and Means now printed in the bill, and said amendments shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole; (2) an amendment printed in the Congressional Record of December 15, 1982, by, and if offered by, Representative Gephardt of Missouri, which shall not be subject to amendment but shall be debatable for not to exceed thirty minutes, equally divided and controlled by Representative Gephardt and a member opposed threto; (3) an amendment printed in the Congressional Record of December 15, 1982, by, and if offered by, Representative De Lugo of the Virgin Islands, which shall not be subject to amendment but shall be debatable for not to exceed thrity minutes, equally divided and controlled by Representative De Lugo and a Member opposed thereto; and (4) an amendment printed in the Congressional Record of December 15, 1982, by, and if offered by, Representative Hopkins of Kentucky, which shall not be subject to amendment but shall be debatable for not to exceed thirty minutes, equally divided and controlled by Representative Hopkins and a Member opposed thereto. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto a final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. ANNUNZIO). The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield the customary 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 629 is a modified closed rule providing for the consideration of H.R. 7397, a bill to promote economic revitalization and facilitate expansion of economic opportunity in the Caribbean Basin region.

The rule provides for 2 hours of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. In order to expedite consideration the bill shall be considered as read for amendment.

To permit consideration of the bill the rule provides two waivers of points of order. First, the rule waives points of order against the bill for violation of section 311(a) of the Budget Act. Section 311(a) prohibits consideration of any bill, resolution, amendment, or conference report which would provide additional new budget authority or spending authority exceeding the ceiling on spending adopted in the second budget resolution or which would reduce estimated revenues below the revenue floor set in that resolution. The central provision of this bill is a grant of authority to the President to eliminate duties on certain eligible imports to the United States from designated beneficiary countries and independent territories in the Caribbean region. This, and a provision concerning excise taxes on rum from Puerto Rico and the Virgin Islands, will reduce U.S. revenues in fiscal year 1983 by an estimated $79.3 million. Since the revenue floor adopted in the second budget resolution for fiscal year 1983 has already been breached, even this small reduction in revenues is in violation of section 311(a) and makes a waiver necessary.

Second, the rule waives points of order against section 201 of the bill for failure to comply with clause 5 of House rule XXI, which prohibits appropriations in a legislative bill. This waiver is necessary because this section provides that excise taxes collected on foreign rum brought into the United States shall be transferred to the treasuries of Puerto Rico and the Virgin Islands. This provision permits direct payments without action by the Appropriations Committee and thus, could be construed as an appropriation.

In order to expedite consideration of this bill in the final days of this session this rule limits amendments to those recommended by the Ways and Means Committee and three others which would change the bill's treatment of specified products imported into the United States. Only the amendments specifically identified by this resolution shall be in order to the bill.

The rule provides that the Ways and Means Committee amendments now printed in the bill shall be considered en bloc. They shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. They shall not be subject to amendment.

The rule also makes in order three amendments printed in the CONGRESSIONAL RECORD of December 15, 1982: An amendment by, and if offered by, Mr. GEPHARDT of Missouri to make tuna ineligible for the duty free treatment provided in the bill; an amendment by, and if offered by, Mr. DE LUGO of the Virgin Islands to limit the quality of rum that can be imported duty-free into the United States; and an amendment by, and if offered by, Mr. HOPKINS of Kentucky to make tobacco and tobacco products ineligible for the duty-free treatment provided in the bill. It my understanding that the Committee on Ways and Means will offer as a committee amendment the amendment that was to be offered by Mr. GEPHARDT.

The rule provides for 30 minutes of debate on each of these three amendments, with the time to be equally divided and controlled by the sponsor of each amendment and a Member opposed to it. These amendments shall not be subject to amendment.

Upon conclusion of consideration of the bill for amendment, one motion to recommit would be in order.

Mr. Speaker, this is necessarily a tightly structured rule, but I believe this rule will allow the House to proceed in an orderly and expeditious manner while providing for ample discussion of the bill and the opportunity for modification of its provisions. I urge adoption of the rule.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Caribbean Basin Initiative is a good proposition for industry and for relieving unemployment in the United States. It will not be harmful to any degree. It is trade assistance, and let me explain that.

When we assist those countries in the Caribbean and help industries there to produce jobs, it brings those

countries up to a level where they are not subject to a Communist takeover. That is the main purpose and goal of the legislation.

Also, it will put people to work and keep them at home, instead of forcing the United States to cope with their illegal entry into this country.

In the belief that it helps stimulate the economy of those countries, I think that we would be doing not only America a big favor but the world a big favor as well because the Caribbean Basin is so closely related to this Nation of ours.

In the Committee on Rules three amendments were made in order. The tuna industry is subject to suffering unless their amendment is adopted. The rum industry in the Virgin Islands and Puerto Rico also has a problem. An amendment is made in order to address that problem. In the Rules Committee I offered an amendment to protect tobacco and tobacco products because in the Burley Belt and in the tobacco-growing belts we have literally thousands and thousands of small farmers who could conceivably suffer as a result of not protecting that industry.

□ 1045

The amendment was made in order by the Rules Committee and will be offered by the gentleman from Kentucky (Mr. HOPKINS).

Mr. Speaker, I urge the adoption of the rule and the measure when it is offered on the floor of the House.

Historically I have been against foreign aid. I do not believe this is foreign aid. It is trade assistance to let the Caribbean countries build up their own economy to help us in the long run. I urge adoption of the rule.

Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LOWERY).

Mr. LOWERY of California. Mr. Speaker, I rise in support of the rule passed by the Rules Committee.

I commend the gentleman from Missouri, the distinguished chairman of the Rules Committee, and the ranking minority member, the gentleman from Tennessee, for the Rules Committee modified closed rule allowing Mr. Hart and myself to offer an amendment to exempt tuna from duty-free provisions of the act. I understand the gentleman from Illinois, the chairman of the Ways and Means Committee will offer it as a committee amendment.

Also, I would like to commend the distinguished chairman of the Ways and Means Committee, the able chairman of the Trade Subcommittee (Mr. GIBBONS), and our ranking member on Ways and Means, the gentleman from New York, for their diligent work on this most important and complex piece of legislation. The Caribbean Basin Initiative (CBI) will strengthen our trade position with the Caribbean Basin countries and will provide new opportunities for these countries to achieve self-sustaining growth.

Clearly, the U.S. economy will benefit from this legislation. An economically healthy and politically stable Caribbean Basin means more opportunities for our own workers and businesses, and I urge my colleagues to support this bill.

Likewise, I strongly urge my colleagues to adopt the Gephardt-Lowery amendment to be offered by the Ways and Means Committee chairman, exempting tuna from the duty-free provisions of H.R. 7397.

Why exempt tuna from the CBI? Because a highly significant amount of the tuna resource base is in the eastern tropical Pacific and the Atlantic Oceans. The Caribbean nations thus are in a most favorable geographic position to establish a thriving industry to replace ours.

This makes the tuna industry and its jobs very vulnerable to the inexpensive construction and operation of competing canneries in these countries, particularly if the processed tuna can be sent to the United States market duty free. The Gephardt-Lowery amendment will prevent this tremendous job displacement from happening.

In short, this amendment is a "Jobs for Americans" amendment.

American tuna industry jobs are located principally in Puerto Rico, American Samoa, Hawaii, Guam, Oregon, Washington, and California. The industry provides 14,000 direct jobs in Puerto Rico and is responsible for a staggering 58 percent of the jobs in American Samoa. Indeed, as the gentleman from Samoa will tell you, tuna processing is that territory's only private industry.

And who suffers from the resulting job loss if tuna is not exempted from the CBI? Low-income minority and women workers in geographic areas already suffering from high unemployment. San Diego's Bumble Bee cannery closure is a classic case: 1,200 workers unemployed—50 percent were women, 80 percent were minority workers, and all were low income.

The intent of the CBI has never been to create jobs in Caribbean nations by the mere expedient of eliminating a corresponding number of American jobs, yet, without this amendment, the CBI would be proposing such an expediency.

Make no mistake, tuna is import sensitive. On many occasions, the International Trade Commission and the Special Trade Representative's Office has determined that processed tuna requires protective tariffs. As recently as May 1981, the USTR denied a generalized system of preferences (GSP) petition for the elimination or reduction of the tariff on processed tuna.

Despite these tariff protections, our tuna industry is already experiencing ruinous competition from foreign tuna producers that are able to undercut domestic processors' prices due to the considerably lower cost of tuna processing in developing nations. In Caribbean Basin countries, the labor costs are significantly below costs in the United States. Also, foreign producers are not subject to the costly environmental, health and safety regulations applicable to domestic processors. Foreign producers also have a substantial shipping cost advantage due to their ability to ship processed tuna to the U.S. mainland in foreign-flag vessels, rather than in the U.S.-flag vessels that must be used for shipments from Puerto Rico, Hawaii, American Samoa, and Guam.

Finally, the transfer of tuna operations to new Caribbean Basin locations is not just talk. Relocation is a real option because the tuna industry is relatively mobile. Let me give the Members of this House an example of how quickly a country can gear up its canning industry for export to the United States. In 1977, the Philippines began exporting processed tuna to the United States and they exported 64,350 pounds for the entire year. For the first 9 months of 1982, the Philippines has exported over 23 million pounds of tuna to the United States—and this is with a tariff. Can you imagine what will happen in a duty-free environment? Clearly, without an exemption for tuna, the U.S. tuna industry would be history.

In sum, Mr. Speaker, I urge my colleagues to avoid inflicting severe economic damage upon the already troubled economies of Puerto Rico, American Samoa, and other areas of the United States by supporting the amendment being offered by the distinguished chairman of the Ways and Means Committee. Tuna must be exempted from the CBI.

Mr. CORRADA. Mr. Speaker, will the gentleman yield?

Mr. LOWERY of California. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. I commend the gentleman for his statement and would like to say as Resident Commissioner of Puerto Rico I am very much interested in the tuna amendment. I am very pleased with the efforts made by the gentleman from Missouri (Mr. GEPHARDT) and the gentleman from California (Mr. LOWERY) myself and others on behalf of this tuna amendment.

I hope the amendment will pass and I support also the legislation and thank the gentleman.

REQUEST FOR PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7356, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1983

Mr. YATES. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 7356) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. SHAW. Mr. Speaker, reserving the right to object, may I inquire: Has this been cleared by the minority?

Mr. YATES. Mr. Speaker, will the gentleman yield?

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

Mr. YATES. The minority was well represented at the conference last night. I am sure the gentleman from Pennsylvania (Mr. McDADE), who is the minority chief, would have no objection. Everybody signed, all of the managers signed the conference report.

Mr. SHAW. May I ask the gentleman to withdraw his request until such time as we can confer with the gentleman from Pennsylvania (Mr. McDADE)?

Mr. YATES. I will be pleased to do that. I hope the gentleman does so promptly.

Mr. SHAW. I thank the gentleman.

Mr. DERRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR of Michigan. Mr. Speaker, I want to very much support this bill. It has been a long time since we have had a President that has paid some attention to the Caribbean American region and, despite the fact that I disagree with some of the policies that he is pursuing in this region, I think the fact we have paid attention to the area is a good beginning.

But I became very disappointed and disillusioned when I picked up the paper this morning and I read the President "sharply assails Democratic jobs proposal," and he labels it as pork barrel. He talks about shelters for the homeless as being pork barrel, rehabilitating VA hospitals as being pork barrel, roads and sewer infrastructure reconstruction as being pork barrel.

I am for dealing with the Caribbean and doing the things that are necessary to bring those people into a more friendly, neighborly relationship with us but the President and this administration and my colleagues on this side of the aisle have to understand that there is a depression going on in a large part of our country.

Let me lay out if I can the politics of this bill. I hate to do it openly and in public. These are not the things you do. But let us be very frank about it.

Labor is vehemently opposed to this bill. They are pulling out all the stops on it.

It just seems to me if this President wants this initiative, and I know he wants it very bad, he is going to have to start to compromise on some of the things we on this side of the aisle are concerned about in these very dire economic times. It is a good time to start. He is going to have to start doing it next session when this Congress changes its composition, and I hope that the door is not completely closed with respect to the jobs bill.

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Michigan.

Mr. TRAXLER. I appreciate the gentleman yielding. I wish to join in his statement.

I know him very well and I know the concern that he has for the poor, the elderly, and for the disadvantaged in our State. I know he has that same sense for those in other areas in other countries.

I think what is so painful for the two of us is to see a White House and a President who is more willing to do more for those abroad than he is willing to do for our own citizens. That is extremely painful for me as I know it is for the distinguished gentleman in the well.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Florida.

Mr. GIBBONS. I understand the gentleman's position and I have a great deal of sympathy for his position.

Let me point out this is not entirely the handiwork of the current President of the United States. This program was actually begun under President Carter. He helped to bring the major nations of the Caribbean together to meet in the Bahamas before he left office. He was able to work with Canada, with Mexico, with Venezuela, and Colombia, and he was able to bring those nations together and to start working with Puerto Rico and the Virgin Islands and do all of that preliminary work.

So while the gentleman has made a very good statement about the current President, I want him to know that this is a program that has, as he points out, long been needed.

The current occupant of the White House is not the originator of this program. He merely followed through on it.

Mr. BONIOR of Michigan. I thank my colleague and I understand and appreciate his comment.

That is what makes it even more painful. I know the concern President Carter had about Central America and the Caribbean Basin, and I worked with the President on the Panama issue and some other issues down there.

What bothers me is if President Carter were here he would see the contradiction, he would not be criticizing as pork barrel 5.4 billion dollars' worth of good jobs or $1.2 billion the other body will adopt of good jobs, and then asking us to deal with this issue.

Mr. BAILEY of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to the gentleman from Pennsylvania.

Mr. BAILEY of Pennsylvania. The gentleman's point is well taken. We sought programs for structural unemployment problems caused by the bill and we were resisted very strongly by the administration. The gentleman makes an excellent point.

Mr. BONIOR of Michican. I yield back the balance of my time.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 7356, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1983

Mr. YATES. Mr. Speaker, I again ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 7356) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MAKING IN ORDER TODAY OR ANY DAY THEREAFTER CONSIDERATION OF CONFERENCE REPORT ON H.R. 7356, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1933

Mr. YATES. Mr. Speaker, I ask unanimous consent that it may be in order at any time today or any day thereafter, to consider the conference report and any amendments in disagreement on the bill (H.R. 7356) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

Mr. SHAW. Mr. Speaker, reserving the right to object, might I inquire of the gentleman: Has this second request been cleared?

Mr. YATES. Will the gentleman yield?

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

Mr. YATES. I am sure it has been cleared. I am sure the gentleman from Pennsylvania (Mr. McDADE) approves of it, just as he approved of the other.

I would say we are trying to expedite the business of the House so Members may go home. Usually at the end of the session a request of this type is very much in order, and I am sure the gentleman from Pennsylvania (Mr. McDADE) if asked, would expedite this.

Mr. SHAW. Mr. Speaker, I would certainly understand that the gentleman is trying to expedite the business of the House, and that leaves some of us quite nervous.

However, I do understand this has been cleared, and I take the gentleman's word for it.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was not objection.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of this rule and I would like to thank the Rules Committee for giving the House an opportunity to amend this bill to grant relief to America's tuna industry.

Mr. Speaker, America's tuna processors have pulled back basically within that safety zone, that perimeter of duty-free area, and they are in American Samoa, they are in San Diego, about 15 miles north of the Mexican border, in Puerto Rico, and in Hawaii.

I think the industry and the administration now understands that should this duty be lifted, America's tuna industry would probably cross the street, taking with it approximately 50,000 American jobs.

So I would like to tell my colleagues that there are thousands of cannery workers in San Diego as well as in American Samoa, Hawaii, and Puerto Rico who are very grateful for the opportunity the Rules Committee has afforded the tuna industry to present its case.

I yield back the balance of my time.

Mr. DERRICK. Mr. Speaker I yield 2 minutes to the gentleman from Georgia (Mr. JENKINS).

□ 1100

Mr. JENKINS. Mr. Chairman, I rise in support of the rule. I recognize that this is a rather controversial piece of legislation, but I think that the committee has worked very hard in trying to draft a piece of legislation that will take care of the most sensitive industries and at the same time do something for this part of the world that will be extremely important to this Nation from a national and international standpoint.

There will be offered, however, as indicated by the gentleman from Tennessee, an amendment by the gentleman from the Virgin Islands (Mr. DE LUGO), dealing with the American possessions of the Virgin Islands and dealing directly also with Puerto Rico and their industry of rum.

I want the Members to listen very carefully when we get into the debate of that issue, because these people, Americans in the Virgin Islands and Puerto Rico, in my opinion, their interest is not being properly looked after unless we adopt the de Lugo amendment. These people in the Virgin Islands, if I might speak to that for a moment, why are they so important to this Nation?

First, of all, they are Americans. Second of all, a little issue that we forget about all the time, the largest oil refinery in the world is located in the Virgin Islands. It supplies most of our jet fuel, most of our heating oil. And to say to the Virgin Islands that they are to be ignored in their very sensitive industry would be an injustice, in my opinion, to that area.

I hope that you will listen to the amendment very carefully that Mr. DE LUGO will offer. I think it is a good amendment. It is an amendment that embraces the very agreement that the Virgin Islands entered into with Mr. Bill Brock, our trade negotiator, on behalf of the administration. And suddenly, when we get into committee, we choose to ignore that agreement that was entered into and play a little bit rough handed with our people in the Virgin Islands. I do not think that is right. I have no interest in it whatsoever other than from that standpoint.

I ask your support of the DE LUGO amendment.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. I thank the gentleman from Tennessee for yielding.

Mr. Speaker, the gentleman from Michigan who was in the well a few moments ago made a point with regard to unemployment here in this country. I would like to talk to the Members of the House for just one moment about the problems of unemployment in Florida and the problems that are being caused by illegal immigration into this country.

We know that the vast majority of those coming to our country are economic refugees, people coming from the Caribbean and all over Central and South America, most of them looking for nothing more than a better life. The problems that are related to this flow of illegal immigration into the United States are overwhelming.

We are going to see debate later this afternoon on an immigration bill. This immigration bill has been brought to this House at a time of great emergency. Yet I think in this lameduck session, with the number of amendments that have been pending, that those who would care to kill this bill will have little trouble in the closing hours of debate in the next few days.

This makes this Caribbean Initiative most important, this Caribbean Basin Initiative. It is most important for this country on two counts: First, we must create a reason for these people to stay at home. They must be able to make a decent living at home. And, second, we must promote stability in those countries. These countries right now are ripe for picking off by the Communists, and it has happened, and we have seen it creeping through Central America. We have seen it in the Caribbean. We have seen this growing menace, and we have sat back and done absolutely nothing.

This is one of the most critical parts of the world for our well-being, and it is of vital importance that we take this bipartisan first step, first initiative, on doing something to help our neighbors help themselves. And that is exactly what this program does. It will be of great long-term benefit to the United States, not only in protecting ourselves in our defense posture within our own hemisphere, but also protecting the way of life that we would like to protect and not be the economic magnet for illegal immigration from all over this part of the world.

Mr. DERRICK. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. BAILEY) for purposes of debate only.

Mr. BAILEY of Pennsylvania. Mr. Speaker, I do not think that anyone in this Chamber is any more stridently antitotalitarian than I. And if I believe that this bill would do the things that we have told it would do, I would very, very strongly support it. But it will not. The major problem in the Caribbean is the transfer of wealth from that area. You cannot keep it there. Wealth generated in that area generally goes around the world, to banks and to various foreign investments. In fact, a great deal of it ends up in Miami, where everything from purchases on commercial paper to stock investments, et cetera, are made. That is something that is admitted by the administration, it is admitted by Bill Brock, and no member of the committee will contradict that point. This bill will not address that problem. This bill will make it worse in relative terms.

Added to that difficulty is the fact—though I think the rule can be defended on the ground that it at least makes an attempt to try to do something by allowing amendments which would help our insular possessions—but overall it does not sufficiently recognize the needs of Puerto Rico and the Virgin Islands.

Last but not least, this bill's impact on the United States, on the mainland, will be harmful. There will be direct employment losses. We did seek changes from the administration for help with structural unemployment programs to assist in retraining our employees here who will surely suffer and we were denied that opportunity.

Third, there is a passthrough provision, 35 percent. We brought the bill up to the general system of preferences level, but one thing Members

here should know: The import sensitive list of items under the general system of preferences will not be included under CBI and, therefore, with a minimal amount of value added to products, you are going to see a funnel of products and manufactured products into the United States of America that will cause direct job losses. That is something that has not been adequately explored, and the administration has not looked at it properly. Consider that the mouth of the funnel will not be located in the Carribean and it will not be located in the United States.

Mr. TRAXLER. Mr. Speaker, will the gentleman yield?

Mr. BAILEY of Pennsylvania. I yield to the gentleman from Michigan.

Mr. TRAXLER. It has been suggested by the proponents of this bill that the standard of living of people in the Central and Caribbean nations are going to be increased.

Mr. BAILEY of Pennsylvania. No.

Mr. TRAXLER. And, therefore, they will not illegally immigrate to the State of Florida.

Mr. BAILEY of Pennsylvania. No.

Mr. TRAXLER. Does the gentleman believe that a tenth of a percent increase in the standard of living in those nations, or even 1 percent, is going to prohibit that illegal immigration?

Mr. BAILEY of Pennsylvania. Let me assure the gentleman that we had testimony before the committee, and one case stands out, in particular, concerning a gentleman from Costa Rica, with employment down there, and I asked him what happened with their jobs program and their company over the last 15 or 20 years concerning real income. Real income for those people down there with these 50- or 60- and 75-cent-an-hour jobs declined. His profits did not. That money was not reinvested in the Caribbean. It came back into more safe and secure investments in the United States.

This bill will not solve America's problems down there, and it is not going to solve our problem here at home. There is only one way to structure a sound foreign policy, and that is with some kind of basis here and some relationship to decent domestic policy that will build support in this country for viable alternatives abroad.

One last case in point: Trinidad Tobago—50 percent of the money used to build a wire steel mill in that country, 50 percent was government money. Those products will come into the United States duty free, 300,000 tons of a product vital for construction purposes funneled into this country. That mill had been built under existing law. Those products will now, because the import sensitive item list that I mentioned will not be covered under the CBI come into this country duty free.

Think before you give the President a vote on a well-intentioned piece of legislation that needs to be reworked with an eye to really doing something to encourage reinvestment in that area instead of the flight of wealth abroad that will not go to build an infrastructure or a middle class in the Caribbean. There is no one more concerned with that problem than I.

Mr. DERRICK. Mr. Speaker, I yield 10 minutes to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT), for purposes of debate only.

Mr. WRIGHT. Mr. Speaker, I rise in support of the rule and of this bill. It is a very important part of our foreign policy initiatives. There are two or three reasons why it is imperative that the House act affirmatively on this legislation.

In the first place, it is in our own national self interest to make it possible for those nations in Central and South America, and particularly those so close to us in the Caribbean Basin, to have viable economic opportunities by which they can continue to be our best customers, as they are today, and indeed become better customers.

From a standpoint of our military security, from a standpoint of our economic future, and from a standpoint of our political future, the countries of Central America and the Caribbean are more vital to the United States than are those in any other part of the world.

That area sits astride the most vital lanes of commerce. Past those countries must come a very substantial part of the petroleum which is the lifeblood of the American economy and of American industry. The area is vital to our security.

We sell more goods to Latin America than we do to any other part of the world. If you would talk about jobs, you must recognize that there are more American jobs involved in export and the production of goods that go into world markets than there are adversely affected by imports.

Latin America is our best customer. We have a very favorable balance of trade with Latin America. We have never had anything but a highly favorable balance of trade. The people in Latin America traditionally have bought many millions of dollars more in goods from the United States than we have bought from them. The only limit to their capacity to be good customers for American-made products is their ability to earn a living, their ability to build strong local economies, so long and repeatedly denied.

When John F. Kennedy announced the Alliance for Progress effort in 1961, it was remarked by historians that what we undertook to help Latin American nations achieve for themselves was infinitely more difficult than what had been undertaken with the Marshall plan in Europe. In Europe we simply were attempting to help nations rebuild after the destruction of 5 years of war. In Central and South America we undertook to try to give nations the opportunity and the wherewithal to build from the ground up after they have been ravaged by five centuries of cruel history.

Now, change is coming. Make no mistake about it. It is only the shape and direction of that change which are at issue. The status quo is already in tatters. Its threadbare barricades are giving way. We cannot expect and morally should not expect that the people of Latin America will forever live in a subservient condition. Today they know, because of the improvements in communication, that others do not live that way. A man whose little daughter looks to him with eyes that say daddy could move mountains, but with an empty cavity in her hungry little stomach, is a desperate man. You would be, too. He will follow any pied piper who promises him a change for the better if he sees no opportunity for change for the better through the orderly democratic processes.

And so we have a political stake as well as an economic stake in the future of that region so very vital to us.

There is a further reason that is equally impelling, it seems to me, perhaps more so, and is inseparable from our consideration of the economic and political and military stake that we as a nation have in Central America and in the Caribbean. This is their perception of our trustworthiness as a friend. A nation, even as an individual, lives in the community of nations by its word.

One of the saddest things, I think, that has occurred to me in years of travel in countries of Central America was something that once was reported to me by an aged engineer in Panama. He said when he first came to that country early in this century, you could seal a bargain by saying, "La Palabra Inglesa." The English word. Nobody questioned the English word. If we said, "This is our word and we stand by it," that was all that was asked. And now, he told me, "If you say, 'La Palabra Inglesa' to many Latin Americans, they laugh in your face."

The history of our relations with Latin America has been a history mottled by recurrent broken promises and benign neglect, raising hopes that then were dashed.

There is still a residue of strong desire to believe those of us in the United States. In the days of Bolivar and O'Higgins and San Martin, they patterned their people's movements after ours. They wanted to believe us. They wanted to believe that their legitimate social and economic objec-

tives could be achieved without sacrificing political liberties.

In the darkest jungle of the Darien Peninsula, where life still goes on very much in the primitive way that it did when Columbus discovered this new world, our colleague JIM HOWARD and I one day encountered a native workman who wore on a chain for a talisman around his neck, a Kennedy half dollar. He pointed to it with pride. They believed us when we said we would stand by them and create an Alliance for Progress that would give them bootstraps with which they could pull themselves up. Not a handout, but an opportunity. They believed us. We wearied of that idealism. We grew soon tired of being the economic dragon slayer. We became preoccupied with other problems and abandoned the effort prematurely. There followed an understandable wave of disillusionment.

Now President Reagan has promised to the people of Latin America the Caribbean Initiative. They believe him. It does not make any difference, in this case, whether he treats us right or not. I say to my Democratic friends. He is the President of the United States. They do not distinguish and differentiate between Democrats and Republicans down there. They do not have a concept of a separation of powers. It is not any good to tell them, "Oh, the President meant it, but the Congress, you see, is dominated in one House by members of another party." That explanation does not do any good. It rings hollow in their ears. All they know is that the leader of this Nation, the United States of America, said "they were going to do this for us, and then they did not do it." That is what comes through to them.

And so we have a responsibility here that overrides and transcends any sense of partisanship. We have a responsibility today that transcends our sense of wounded pride at what the President may have said about our efforts to create jobs here in the United States. I pledge to you that I will stay as long and work as hard as any one of you to restore opportunity in the United States and to revitalize American industry and to create the basis for jobs in the private sector here. And I will fight just as long as any of you, so long as there is any opportunity to get a public works jobs bill to rebuild the infrastructure of this country.

But this is not the issue here. It does not make any difference how blind the President may be to those needs; let us not respond by concomitant blindness to the needs that exist in our closest neighbors and our best friends in this ever-shrinking neighborhood of the Western Hemisphere.

□ 1115

I do not care what you may think about the partisanship of the President. And he is the most partisan President I have ever served with. That goes back to and includes Mr. Eisenhower. But that does not excuse us, my Democratic friends, for allowing the President of the United States to be publicly embarrassed when he has made a commitment in the name of our country to our closest neighbors.

It is up to us to summon the statesmanship and responsibility to do the thing that is necessary and to demonstrate to the people of the Caribbean and Central America that when the President of the United States speaks for the United States, and makes a commitment for us to them, that he speaks for all of us and that we are not so eaten apart by the corrosive acids of internal political division and partisanship that we are incapable of or unwilling to fulfill and uphold that commitment in good faith.

It is on that basis, my friends, that I plead with you, Democrats and Republicans alike: Let us join ranks today, and say to our friends in Central America and the Caribbean, "We understand at least some of your problems, and we are going to work with you and stay with you until together we solve those problems."

Mr. QUILLEN. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CONABLE), after which I yield 2 minutes to the gentleman from Michigan (Mr. BROOMFIELD) to close debate on this side.

Mr. CONABLE. Mr. Speaker, the majority leader has most eloquently expressed the significance and the symbolism of this measure. I commend him for his vision.

I personally am disappointed in this legislation in that it does not go far enough. We have compromised with every interest that was concerned about the possible domestic effect of the Caribbean Basin Initiative, in order to bring it this far.

But if a large step is appropriate, a small step is not bad. Therefore, I urge support of the legislation.

I also am personally disappointed in the liberalism of the rule. I believe it makes in order unnecessary amendments that I personally will oppose. But I certainly urge my colleagues to support the rule. An excessively liberal rules should not be opposed because of its liberalism because we can correct for that in rejecting inappropriate amendments which might further weaken the measure.

In short, the legislation itself and the rule should have the support of the Members of this House despite their shortcomings. I urge all my colleagues to join in this significant and symbolic effort so aptly described by the majority leader.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. BROOMFIELD) is recognized for 2 minutes to close debate.

Mr. BROOMFIELD. Mr. Speaker, I would like to pay special tribute to the majority leader for what I consider one of the most outstanding speeches in behalf of our country on a major foreign policy question.

I did not intend to take any time during the consideration of this rule, but I felt it important to point out that this is a matter that concerns all of us. It is not a partisan issue.

Mr. Speaker, as all of you know, America is aggressively promoting improved trade, aid, and investment in the Caribbean area. The Caribbean Basin Initiative is an important first step toward resolving the economic difficulties in the region. President Reagan frequently emphasizes the significance of this major foreign policy package. He has taken a personal interest in working for the successful implementation of this imaginative approach to the region. Support of the President's efforts will also help to assure that vital U.S. interests in this neighboring area are protected.

A grave economic crisis now imperils many of the countries in the Caribbean and Central America. These small countries to our south are vulnerable to developments in the world economy. Recently, their oil and other imports have increased in price while their traditional exports have fallen.

They are unable to earn enough foreign exchange to pay for the imports they need. The result is a rapid rise in unemployment. This regional economic aid package is desperately needed. it may save some of these feeble economies from total collapse. Economic stability for our neighbors to the south is essential to our long-term interests.

Let us not delude ourselves into thinking that the Caribbean region is not important to America's strategic interests and its long-term social and economic well-being. The developing nations of this area are a source of critical natural resources for America; they border vital sea lanes as well as the Panama Canal. Over half of our total imports and exports pass through the Caribbean. In time of war, 50 percent of the supplies for U.S. forces in Europe would transit the area. The economic crisis in these neighboring countries are already creating political vulnerabilities. Moderate leaders in the area are already in jeopardy. New regimes could open military facilities to our enemies.

The nations of the Caribbean and Central America are the second most important source of immigration to the United States. Economic collapse and political instability will inevitably add to this pressure. Efforts to check illegal immigration are costly. It is in our own national interest to resolve the long-standing economic miseries of this region.

I recently received a strong endorsement of this program signed by six former Secretaries of State. The text of their message follows:

We are writing to ask your vote in favor of passage of the Caribbean Basin Initiative, which each of us strongly believes is vital to the long-term interests of the American people.

The fate of the Caribbean Basin is inseparable from our own. Our neighbors of Central America and the Island Caribbean have often received little public attention, but every Administration in the Post-war era has understood that the Caribbean Basin is critical to both our security interests and our long-term social and economic well-being. The Caribbean Basin Initiative was formulated by this Administration, but it reflects the concerns and insights of its predecessors, both Democratic and Republican.

The legislation approved by a 27-6 vote in the House Ways and Means Committee provides opportunities and incentives for more investment, more production and more jobs in the Caribbean area. These opportunities . . . if realized intelligently and energetically by the people of the Basin . . . will stimulate self-sustaining growth to serve as the foundation for political and social progress and stability. The alternative, and the inevitable result of continued political and economic unrest in our immediate neighborhood would be a highly uncertain security situation, a rising flow of immigration, and direct and disruptive human consequences for the United States.

Understandable concerns have been expressed by some about possible effects on U.S. production and employment. We believe the legislation as it emerged from the Committee is balanced with safeguards for our most vulnerable industries. In addition, we are convinced that the long-term impact of the CBI will be positive. A prosperous Caribbean Basin means a better market for our own exports. It means lesser demands on U.S. resources . . . for defense, for economic assistance, and for social expenditures within the U.S. to help the displaced victims of social and economic unrest.

We urge the full Congress to follow the Committee's example and complete passage of the CBI program. To delay will not help our economy or U.S. workers, but it will harm both our friends and our long-term national interests. Please accept our thanks in advance for your personal contribution on this vital issue. Sincerely,

DEAN RUSK.
WILLIAM P. ROGERS.
HENRY A. KISSINGER.
CYRUS VANCE.
EDMUND S. MUSKIE.
ALEXANDER M. HAIG, Jr.

H.R. 7397 provides trade opportunities and incentives for more investment, more production, and more jobs in the Caribbean area. The effort provides for 1-day duty-free trade on all products, except textiles, apparels, footwear, and a few other goods. A tax incentive for development purposes has also been granted.

This tax incentive will only be extended to countries which have undertaken exchange of information agreements for tax administration purposes. It is important to note that this bill respects the right of U.S. workers to be protected from injury which could result from the concessions on trade and tax.

Although the Caribbean initiative was formulated by this administration, it reflects the concerns and insights of its predecessors, both Democratic and Republican. I am convinced that the long-term impact of the program and this resolution will be positive. A prosperous Caribbean Basin means a better market for our own exports. It means lesser demands on U.S. resources for defense, for economic assistance, and for social expenditures within the United States to help the displaced victims of social and economic unrest. I urge the full Congress to follow the committee's example and rapidly complete passage of the CBI program.

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. PICKLE), for the purposes of debate only.

Mr. PICKLE. Mr. Speaker, the Caribbean Basin Initiative is not and should not be a political matter. It is not a partisan matter. It is a national matter. It is in our national interest that we pass this bill. The eyes of the United States should be looking south, should be looking directly in the Caribbean area, to give help to our neighbors.

It is far more important that we do this than almost any trade matter before our Nation today.

I think our Government is committed to help. I hope the Members of this body will give a resounding vote of affirmation for this rule.

Mr. DERRICK. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. JOHN L. BURTON), for purposes of debate only.

Mr. JOHN L. BURTON. Mr. Speaker, I would support the rule. I do plan on voting against the Caribbean Initiative. The fact that our President gave his commitment to the people of the Caribbean is not something we should take lightly. He also gave a commitment to the people of this country and he has let this commitment go begging.

I agree with my good friend, the gentleman from Pennsylvania (Mr. BAILEY), the gentleman from Michigan and others. When we hear of 2 million homeless in this country of ours, this great wealthy country of ours, when we hear of the unemployment that is going into double digits in many States of the Union, when every amendment that will be proposed to this bill will be an amendment to help safeguard some jobs, we know that we should look inward first.

We could do a lot more for the Caribbean Basin if we could do something for the economy of this country.

I wish the President would follow the commitments he made to the American people when he ran for President to do something about unemployment. For the first time in many years, if Ronald Reagan would say to the American people, "Were you better off under Jimmy Carter than under me," nobody ever thought it could be the case, but by God this country was better off under Jimmy Carter.

Mr. DERRICK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1130

Mr. ROSTENKOWSKI. 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. 7397) to promote economic revitalization and facilitate expansion of economic opportunity in the Caribbean Basin region.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. ROSTENKOWSKI).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole Hoyse on the State of the Union for the consideration of the bill, H.R. 7397, with Mr. BINGHAM in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized for 1 hour, and the gentleman from New York (Mr. CONABLE) will be recognized for 1 hour.

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

Mr. ROSTENKOWSKI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, rare is the time when we come across what might be described in fiscal terms as a bargain—getting something of great value for comparatively little cost. We are so accustomed to dealing with blockbusters like the MX or highways or social security that issues as small as the one I bring before you today too often escape our attention—and are too ofter pushed aside or maimed by one or two special interests.

Such a case, Mr. Speaker, is the Caribbean Basin Initiative—a combination of direct aid and trade incentives designed to reverse the economic slide of many of our traditional hemispheric neighbors. Weighed against the severity of their need, the cost of our assistance is no more than an "asterisk" compared to the normal demands on our budget. But the benefits this plan

buys for such a small sum are enormous.

The 28 nations eligible for CBI concessions are characterized by small economies—extremely vulnerable to rapid changes of political sentiment at home, as well as rpaid changes in the trading world on which they so desperately depend. Stunned by the dramatic rise in imported oil prices over the last decade, most of the region has been further set back by the prolonged worldwide recession.

Given their relative smallness and insularity, few of the island economies have the resilience or mobility to take advantage of shifting market opportunities or protect themselves against sharp declines in world demand. Some, like El Salvador and Guatemala, have been weakened by civil strife. Others, notably Jamaica, have been sapped by gross economic miscalculations during former administrations. Still others remain lashed to fluctuations in international demand for one or a few commodities—bauxite, sugar, bananas, coffee. The international price of sugar, for example, has fallen from 44 cents a pound in 1980 to about 6 cents a pound today. Jamaica, the region's major producer of bauxite, has suffered a 50-percent decrease in mining production due to the collapse of the U.S. auto and housing markets.

Another major economic barrier is the overall lack of the infrastructure required for dependable export. Undependable communication, transportation, refrigeration, and utilities often erase domestic and international market opportunities. Only 10 percent of the bananas cut in Jamaica, for example, arrive at seaports healthy enough to export.

Unemployment in the Caribbean Basin is dangerously high. The lowest rate is 14 percent—the highest, over 40. These rates are not an aberration, but have persisted for years. The overwhelming majority of the unemployed are between 16 and 25 years old. Increasing numbers of secondary and college graduates are frustrated by a static, if not shrinking, job market. And the number who simply abandon their homes and come to the United States—legally or illegaly—grows monthly.

Combined, these factors—small and fragile economies, a universal recession, inadequate infrastructure, and high unemployment—pose a mounting political threat to a number of modest democracies and raise the spector of critical strategic problems for the United States.

Last February, President Reagan outlined before the Organization of American States a major new program for economic cooperation with the Caribbean Basin. His plan was introduced a month later by the House majority and minority leaders with several consponsors.

The Caribbean Basin Initiative, as introduced, consisted of: First, expanded one-way, duty-free trade; second, the extension of the current 10-percent investment tax credit to investors in the Caribbean; and third, supplemental U.S. financial assistance.

Congress has recently appropriated $350 million in direct assistance to the region as part of its supplemental appropriation. Consideration of the investment tax credit was put aside, leaving the trade provisions for committee action.

Last week, the Committee on Ways and Means—by a vote of 27 to 6—approved the President's trade initiative, with some modifications.

Title I of H.R. 7397 includes:

The basic authority for the President to establish one-way, duty-free treatment of all Caribbean Basin imports deemed eligible over a period of 12 years;

The exclusion of oil, textiles, and apparel, and leather goods, including footwear, from CBI treatment;

Limits on duty-free entry of sugar;

Imports and emergency relief to safeguard U.S. industries and jobs;

A 35-percent, rule-of-origin requirement to prevent passthrough operations;

Protection for Puerto Rican and Virgin Island rum industries; and

A denial of CBI concessions to Marxist governments.

Title II of this bill contains two tax provisions.

Under present law, taxes from rum are an important source of revenue for Puerto Rico and the Virgin Islands. To eliminate any possible reduction in present revenues because of duty-free entry of Caribbean Basin rum, title II of the bill provides that excise taxes collected on foreign rum imported into the United States are to be transferred to the Treasuries of Puerto Rico and the Virgin Islands.

The present law rules restricting deductions for attending business conventions to conventions held in the United States, Canada, and Mexico is perceived as unfair by our Caribbean neighbors. In addition, they believe that it has adversely affected their convention-oriented service businesses. However, a number of the Caribbean Basin countries have bank secrecy and other tax-haven-type laws which restrict U.S. access to tax information. Under current law, the United States often has difficulty in obtaining information to enforce its tax laws when transactions occur in countries with these restrictive laws.

These agreements will assist in the gathering of information appropriate to administer our tax laws. Accordingly, Title II also provides that expenses of attending certain business conventions in Caribbean Basin beneficiary countries and Bermuda will be deductible as though the convention were held in the United States, but only if the country enters into an agreement for the exchange of tax information with the United States.

In addition, in order to qualify for the favorable convention treatment, the beneficiary country must provide reciprocal tax treatment for attendance at conventions or other similar business meetings in the United States.

The argument that Congress should deny assistance to our traditional neighbors until our own economy is well on the mend, misses the entire thrust of the CBI. The threat to our employment and markets from these 28 countries—whose combined GNP is only $40 billion annually—is negligible, if it exists at all.

The Caribbean accounted for only 3.8 percent of all U.S. imports last year. Of this, about 90 percent are not at all affected by the Caribbean Basin Initiative. This leaves only $1 billion in imports, or about 0.3 percent of total U.S. imports, that will be given duty-free status under the CBI.

Our trade advantage, which translates into thousands of U.S. jobs, is approaching $2 billion. Add to that an expected increase in U.S. jobs as the Caribbean steps up its purchase of U.S. machinery, technology, and raw materials to expand their economies. Many argue that the CBI will create more jobs in the United States than in the Caribbean—certainly in the short run.

The sentiments of organized labor in the Caribbean is clear. Let me read a telegram from Burns Bonadie, secretary-treasurer of the Caribbean Congress of Labor:

> On behalf of the Caribbean Congress of Labor, I want you to know the Caribbean labor movement strongly endorses the Caribbean Basin Initiative. The charge that the CBI is exploitative of labor is one I specifically wish to refute. On the contrary; the U.S. initiative will stimulate development and thereby create jobs that both labor and business want and that our Caribbean societies deperately need.

In response to specific concerns of U.S. labor and industry, oil, textiles, and leather goods, including footwear, have been excluded from CBI concessions. In further response to concerns over the perceived threat of duty-free Caribbean products, the committee has agreed to exempt all canned tuna.

The Caribbean Initiative is a small gesture to our neighbors that brings disproportionate gains to the entire hemisphere. The cost of inviting economic growth, political stability, and strategic security is miniscule compared with the consequences of our failure to meet their critical need for our trade.

I ask all of my colleagues to put aside small special interests and vote for this historic contract.

89-059 O-86-32 (Pt. 23)

Mr. CONABLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 7397, the Caribbean Basin Economic Recovery Act. It is a modest piece of legislation that represents part of a combined effort by the United States and other nations in the hemisphere to provide economic assistance to the Caribbean region and thereby to reinforce the democratic governments there. H.R. 7397 also reinforces an already advantageous trading relationship between this country and our natural customers so close to our Southern border.

The strategic and economic importance of the Caribbean Basin to the United States should be readily apparent. Except for our contiguous neighbors to the North and South, the geographic location of the nations of the Caribbean and of Central America places them among our most natural trading partners and potential political allies. Yet, Cuba and nondemocratic elements in other countries seek to spread their influence in the region, and it can be argued that the United States has not done enough to help establish a solid economic foundation in these countries upon which democratic institutions can be secured.

After frank and detailed discussions with potential beneficiary countries, the United States, Mexico, Canada, Venezuela, and Colombia joined in proposing individual programs to foster the long-range economic development of the Caribbean Basin through trade, investment and financial assistance. the United States has been especially restrained in putting forward its contribution, although it was our country that served as the catalyst for this combined effort. There is no doubt about the fact that expectations were, and are, high in the region with respect to what the United States promised to put forward.

H.R. 7397 is the partial fulfillment of that promise. It is designed to relieve some of the oppressive economic problems these countries face by encouraging private-sector led growth through expanded trade and investment. The central feature of the Caribbean Basin Initiative (CBI) legislation is the offer of a one-way free trade zone in order to provide secure long-term access to the U.S. market of the limited volume of exports produced in the region. The benefits of such an approach, however, are not one-way but will flow back to the United States as what I believe to be a sound investment in the region begins to pay off.

The Caribbean Basin is an important and growing market for U.S. exports. Our exports to the region have grown from $4 billion in 1977 to $6.7 billion in 1981, a 65-percent increase. The United States has a strong trade position in almost every country in the area, capturing from 25 to 57 percent of the total market. Total volume of trade between the United States and the Caribbean region exceeds $17 billion, with the United States enjoying a $2 billion surplus with the area in merchandise trade. As Caribbean countries expand their productive capacities in response to the Caribbean Basin Initiative, demand for U.S. exports can be expected to increase further.

The Caribbean Basin is also an important site for U.S. investment. In 1980, U.S. investment in the region, excluding Netherlands Antilles, reached $9.7 billion—up 50 percent from the previous 3 years. The U.S. economy is enhanced by these investments as earnings are repatriated and as exports to the U.S. affiliated companies in the region increase.

Some concern has been expressed that the incentives of this bill will encourage plants currently located in the United States to move to the Caribbean. I do not believe the benefits of this bill are in any way extensive enough to trigger such a consequence. Elements in the area economies such as weak infrastructure, unskilled labor, other production uncertanties already discourage investment in the Caribbean and will continue to do so over the next several years.

The CBI concessions, while providing a basis for these countries to help themselves toward market-oriented development, will not immediately overcome deep-rooted structural problems. It is expected that the benefits of this bill will encourage existing operations in the Caribbean to expand. More importantly, it is expected that the CBI incentives will encourage foreign investment—companies already investing outside their home countries—to go to the Caribbean rather than to other developing areas of the world. This is important to us because, as noted earlier, the Caribbean is a prime customer of U.S. exports.

As I have tried to emphasize, the overall effect of the CBI should be positive for the United States both economically and politically. The level of imports from the Caribbean is expected to be small, and our export and investment gains in the region will more than offset any adverse effects. Our current trade with these countries provides nearly 150,000 jobs for American workers here at home. Furthermore, more stable economic conditions in the region will serve to protect U.S. jobs from the influx of disaffected workers arriving on our shores from Caribbean countries.

H.R. 7397 in no way overturns existing trade laws. Therefore, existing protection from subsidization, dumping or import surges remain in place. The bill provides further safeguards for our market by including strict rules-of-origin requirements, by exempting sensitive articles such as textiles and footwear, and by establishing emergency procedures for imports of perishable goods.

Mr. Chairman, H.R. 7397 provides a very modest form of assistance to an area where vital U.S. interests are at stake, yet, even small economic gains are important from the point of view of these struggling nations. The legislation is "bare bones" but will be of tremendous value both to the United States and to the Caribbean.

I urge my colleagues to approve H.R. 7397 without further exclusions or modifications.

□ 1145

To summarize, Mr. Chairman, this measure is of considerable importance to the area and is in no way dangerous to American interests.

The committee has been extremely sensitive, I think too sensitive, to the possibility of the loss of jobs in this country. I want to assure the Members that that sensitivity has characterized our entire deliberations on this matter.

The Caribbean is of great significance to us, and if we do not establish a long-term policy with respect to it, ecouraging its economic development, we will have no choice, in view of its importance to us, but to intrude in ways that are much less satisfactory in the long run in the activities of that area.

We have a choice, in short: We can engage in this kind of development, providing economic opportunity for the area or we must deal with the resulting instability in the area and with the byproducts of that instability, which will be massive numbers of illegal entry boat people seeking a better life or a type of political and military instability that arises from authoritarianism, the only response to grinding poverty, ultimately, if we do not do something to alleviate it.

I certainly hope my collegues will support this measure strongly as in their long-term best interests.

The CHAIRMAN. The gentleman from New York (Mr. CONABLE) has consumed 8 minutes.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. BAILEY).

Mr. BAIILEY of Pennsylvania. Mr. Chairman, I think we should try to get some things in perspective on this measure before we vote. One of them is whether or not the measure, in and of itself, will be effective in doing that much in the Caribbean area.

Quite frankly, I would recommend to the Members of this body that it will not; it will not improve at all the face of American free enterprise or the face of America at all in the Caribbean Basin. It will not transfer that much usable wealth to either a middle

class that needs to grow in that area, and it will not provide any benefit from an educational point of view for the infrastructure that those people badly need in order to do business in a modern world.

Lastly, I would say to my colleagues, that no one feels as strongly about the need to do something in this area as I, but I strongly feel we need to recognize that the relationship between domestic policy in general, capital investment in the United States, technology exports and imports, research and development, and our need to do things abroad go hand in hand. They cannot be viewed in isolation.

We are going to be back here on this measure in a number of years. We are going to have to respond to its inadequacies, its failures, and its holding out of promise that it cannot and will not fulfill.

I would urge the Members to do the President a favor and have him sit back and look at this measure.

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

Mr. BAILEY of Pennsylvania. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. I thank the gentleman for yielding.

Mr. Chairman, I would like to state that while I disagree with the gentleman from Pennsylvania in terms of the overall analysis of the legislation, I would like to express my appreciation to him for the efforts made in the Subcommittee on Trade in support of the tuna amendment, which at that time failed.

I hope today, later, when we debate this amendment, it will be passed, but I wanted to tell the gentleman that he carried the battle in the subcommittee and later, along with the gentleman from Missouri (Mr. GEPHARDT) into the full committee and we all went also to the Committee on Rules.

Of course, I want, on behalf of the people of Puerto Rico, to express my appreciation to the gentleman from Pennsylvania (Mr. BAILEY) for his excellent support of the tuna amendment.

Mr. BAILEY of Pennsylvania. I thank the gentleman.

I would hope we would do the President a favor by making him go back to the drawing boards, look at this legislation, and perhaps learn a little bit of a lesson. The administration should have initially come to this deliberative body, they should have gone to the gentleman from Florida (Mr. GIBBONS) and to the subcommittee, going over this thing initially before they came with a proposal and lay it before us. The President told those people that we are going to pass it. But it should be studied and looked at and some decent legislation written to really solve the problems in the Caribbean Basin should be presented. This is not.

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

Mr. BAILEY of Pennsylvania. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding.

Mr. Chairman, I intend to support this legislation, but I have listened carefully to the gentleman's arguments in the Committee on Rules and on the floor. I think it is important that this Congress very closely monitor this piece of legislation to make sure that the legislation does not allow the initiative to deteriorate into a situation in which we have basically constructed a conduit for Japanese goods.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. BAILEY) has expired.

Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I rise in support of H.R. 7397, as a major component of the President's Caribbean Basin Initiative.

The Caribbean Basin forms our third border with some two dozen small developing nations in Central America and the Caribbean. This area contains important shipping lanes for America's defense and prosperity. With nearly half of U.S. trade and two-thirds of our imported oil transiting through the Gulf of Mexico and the Panama Canal, this region's security is vital to our interests.

This region also has significant economic importance to our Nation, representing over $30 billion a year in U.S. imports, with some $31 billion a year in regional exports. This region has attracted some $13 billion in U.S. direct investments and it should be noted that the Caribbean region has become the main source of immigration to the United States, both legal and illegal.

It is obvious that we do have a vital stake in this important region. But, unfortunately, the Caribbean Basin has been suffering serious economic difficulties due to the escalating cost of imported energy and declining prices for their major exports. Such negative trends in the economic area only increase concern about the region's deeply rooted structural problems and increases pressures of inflation, unemployment, declining growth, balance of payments, and liquidity problems.

In response to these mounting pressures on the political, economic, and social fabric of the region, President Reagan has proposed the Caribbean Basin Initiative. The first portion of this proposal was approved by the Congress earlier this year in approving some $350 million in assistance. The bill before us represents an important second phase of the proposal, seeking to open up greater trading opportunities for the Caribbean region, allowing those nations to earn their own way out of their problems.

The Caribbean area has been one of the few developing areas where democracy has flourished. It is in our own political, economic, and security interests to see that this trend continues and that, through our assistance, strong, viable, and democratic friends thrive as our nearest neighbors.

Mr. Chairman, as the ranking minority member of the Subcommittee on Inter-American Affairs of the Committee on Foreign Affairs, I strongly urge my colleagues to join in support of H.R. 7397 and I wish to insert at this point in the RECORD a portion of a recent letter that I received from President Reagan, dated December 16, 1982, concerning this legislation, wherein the President states:

> * * * I wish to reinforce the Ways and Means Committee's strong support for CBI and underscore the importance of the program to our foreign policy interests, to our neighbors in the south, and to me personally.
>
> As you know, the Caribbean Basin as a whole faces severe economic trouble. My recent trip to Latin America convinced me more than ever that the area's problems are, or will inevitably become, our problems as well. I firmly believe that the best way to ensure economic viability, ease immigration concerns and promote stable democratic governments in the Caribbean is to offer the incentives embodied in the legislation. The CBI is one of this Administration's highest foreign policy priorities because it is needed desperately—and because it will work. It represents an approach to development that America believes in—earning one's own way through trade.
>
> The Presidents of Colombia, Costa Rica and Honduras personally emphasized to me the importance of CBI, not only for them but for the region as a whole. Let me stress that the program is a two-way street—not only will it help the Caribbean, but it will also stimulate U.S. trade.
>
> I ask your support for prompt and favorable action on this bill.
>
> Sincerely,
>
> RONALD REAGAN.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I think it first important to say what this bill does not do. The chairman and the ranking minority member have adequately explained what the bill does.

First of all, this bill does not change any of our fundamental or basic trade laws. Those laws are still kept intact to protect American industry and American jobs from serious injury, from dumping or from subsidies.

This bill strictly prohibits passthrough type operations, the kind that have worried the people of the tobacco industry, the kind that have worried people in other agricultural industries and in other manufacturing industries.

This bill will not change the multifiber arrangement on fabrics. This bill will not give anyone any break on the importation of petroleum. This bill will not do anything to hurt jobs in the United States. In fact, it is my sincere belief and deep belief that it will build jobs in the United States.

As the majority leader pointed out in his excellent remarks, and I have never heard him more persuasive, he pointed out that as the people of the Caribbean are able to purchase more, they will purchase those products mainly from us and that will create jobs, better jobs, in the United States.

□ 1200

As the majority leader pointed out, these people of the Caribbean now provide a very favorable balance of trade with the United States. By that I mean that the United States sells them far more than they are able to purchase from us. If you visit those small islands and those small countries, those very small countries, you will notice as you go around that most of the goods that are on the shelves, that most of the machinery that is in their small plants, comes from the United States. Their ability to buy more is that they have got to have more foreign exchange, and the only way they can get more foreign exchange is by being able to sell more.

This is not foreign aid. This is an opportunity for these people to lift themselves up. That is all that this bill does. Opponents of it will tell you that it does not do enough, and therefore it should not be approved. Of course, everyone knows that that is a falacious argument. If it is not enough, we ought to do more, but we should not stop what little we are trying to do here. It is little for us, but it is huge for them. When you compare our size and our economy with theirs, frankly, there are no grounds for adequate comparison.

We should adopt this bill. We will monitor its implementation closely, and I think it is a fine step forward.

Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Illinois (Mr. DERWINSKI), an ornament to this body in every sense of the word.

Mr. DERWINSKI. Mr. Chairman, as a strong supporter of the Caribbean Basin Initiative, I urge the House to vote overwhelmingly to show how strongly Congress feels about the importance of the Caribbean Basin. This is not a new concept created by the Reagan administration, it has been understood by every administration in the postwar era. The Caribbean Basin is of vital importance to the United States on both security and economic levels.

We have seen in recent years in the Caribbean region that communism seizes on economic and social problems to spread their negative views. Obviously, it is in our interests to see that our neighbors to the South have healthy and prosperous economies and are free of the Communist threat. Stable, democratic governments in the Caribbean are developing, and we must give them all the encouragement we can.

The Caribbean Basin countries have made it clear to us that they consider access to markets in the United States of prime importance in their economic development. The duty-free treatment provided by this bill would provide that, while at the same time insuring adequate safeguards against imports which would injure U.S. industry. I believe H.R. 7397 strikes a careful balance between encouraging their economic development and protecting our economy.

There are a number of new leaders in the Caribbean Basin who are counting on tangible economic progress to permit progress toward stable and democratic governments. They need the Caribbean Basin Initiative to give them a boost toward both goals. We must not delay in getting this program underway; if we do, the economic situation in the region will only get worse, leading to a less stable political situation.

Our economy will also benefit from this program. We will have better market opportunities and thus, more U.S. jobs will be created. We will be able to increase our exports of capital assets and technology. In addition, there will be less of a demand on our resources; the need of the Caribbean nations for economic and defense assistance from the United States will not be as great, and we will not have as much of a drain on our domestic expenditures for helping refugees who have come to the United States.

The strongest justification for supporting this legislation is that it will help the nations of the Caribbean Basin help themselves. They will be able to achieve self-sustaining growth toward economic and political stability. Thus, the benefits attained will far exceed the costs of this bill.

The Caribbean Basin Initiative has strong bipartisan support not only in the Congress, but among leaders in our country both in and out of Government. This legislation is in our national interest and provides the best possible means of achieving the goals of the United States and the Caribbean Basin nations of political stability and economic prosperity.

Mr. Chairman, I especially wish to compliment the chairman of the Ways and Means Committee, the ranking minority member, and all members who have worked on this legislation for the great statesmanship shown by the Ways and Means Committee in moving this bill.

I would like to remind the Members that this is a thoroughly bipartisan measure. I think it is in our national interest. I would also remind the Members of the telegram that all should have received from every living Secretary of State who served in the postwar period—Dean Rusk, William P. Rogers, Henry A. Kissinger, Cyrus Vance, Edmund S. Muskie, and Alexander M. Haig, Jr. I quote:

> The fate of the Caribbean Basin is inseparable from our own. Our neighbors of Central America and the Island Caribbean have often received little public attention—

And I emphasize—

> But every administration in the postwar era has understood that the Caribbean Basin is critical to both our security interests and our long-term social and economic well-being. The Caribbean Basin Initiative was formulated by this administration, but it reflects the concerns and insights of its predecessors, both Democratic and Republican.

Shortly after World War II, about 50 percent of U.S. foreign investment went south of the border, to Latin America. Now, that figure is down to 25 percent. Those nations cannot grow and prosper without a bigger infusion of U.S. investment. This bill helps provide the basis for it. The legislation as endorsed by the Ways and Means Committee has, in effect, been the product of some compromising. This is to be expected. It included textiles and apparel, footwear and other leather goods, and items excluded from duty-free treatment, it in effect had excluded from the provisions of the bill about 20 percent of the flow of products we might otherwise expect from the Caribbean Basin countries.

So, our own national interests are protected, if one would assume that those industries protected are in our national interest to protect them.

Basically, the thrust here is to give long overdue support for a truly effective national policy that we must have in the area immediately next to our shores; our security interests, economic interests, social interests. We address them directly by this bill. I strongly recommend it.

I think it is a mark of the type of leadership that the Congress must bring to diplomatic and economic affairs. I recognize that there are some concerns and honest differences of opinion, but I commend to the Members the bill from the Ways and Means Committee, and I commend it to the Members as a very fine, practical, statesmanlike effort to help ourselves while helping our neighbors in the Caribbean Basin.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman, I rise in strong support of the Caribbean Basin Initiative. Let me say that it is a pay now or pay later proposition. If Members have been in this Chamber for

the last decade, they know that we have been paying, and if they expect to be here in the next decade, they will continue to pay. We must offer some solutions. It is in this Nation's best interests.

We have seen nondemocratic solutions offered in Cuba and in Nicaragua, and we have paid. We have paid in lives and in dollars. In one study in this country, 10,000 who came fleeing political oppression, economic instability—10,000 in Miami—cost this Government $10 million for 1 year in direct and indirect care, so what does it mean? Not just one nation's stability—the entire region. In Nicaragua, since they changed governments, 100,000 Nicaraguans have come to the United States. Many people do not realize the problems from instability in El Salvador, with 50,000 in the last 6 months to the United States. From Guatemala, 50,000 in the last 6 months. From Honduras, 50,000 in the last 6 months. That is political instability—consider economic instability, unemployment. Migration studies project that they will continue to come and increase in numbers unless something is done.

So, it is a pay now or pay later piece of legislation. We can vote for funds for those who come here, or we can vote for military protection when we lose control of our borders, or we can vote for trade and cooperation, or for one more reason: We can vote to do what is right. We either pay now or we pay later, but the price is going up.

The CHAIRMAN pro tempore. (Mr. SHAMANSKY). The time of the gentleman from Florida has expired.

Mr. CONABLE. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Louisiana (Mr. MOORE), a member of the committee.

Mr. MOORE. Mr. Chairman, I strongly support this bill for a very fundamental reason that I think has pretty much gone undisclosed thus far in this debate. This bill represents to me a very fundamental exercise or experiment or change in the way we handle our foreign policy.

We are changing in this bill from a program of handouts to a program of incentives. I do not mean to demean all foreign aid. Some of it is necessary, but the average American believes today that for a long time we have been trying to buy friends with handouts with little success. We have spent tens of billions of dollars over the years giving countries cash or weapons. We should question the results. Communism is on the rise worldwide, and is now even in this hemisphere. World poverty is still severe, the world economy is weakening, and our need for a strong national defense to defend the free world is growing.

We do not buy friends. The world's poor do not want handouts. They want jobs, just like the poor in this country do.

When we stop and look at it, most despotic or totalitarian governments rise because of economic chaos, because there are no jobs, and their people sink into despair and desperation to a loss of freedom.

The Caribbean area is no different. Already we have seen such things take place in Cuba, Nicaragua, perhaps El Salvador, and I fear others. This results in a national security problem for this Nation, waves of illegal immigrants on our borders, and the loss of markets for our own trade goods, thereby hurting our economy. We simply cannot afford, with our own deficit problems, the amount of foreign aid or handouts we are going to have to give to keep these countries going and keep them free. We cannot afford it. We cannot afford the national defense expenditures to defend the free world if they all begin to turn Communist. We just do not have the money.

Caribbean Basin Initiative nations do not want handouts. They are proud people, and they want economic futures for their people just as we want for our own. Where we have gone wrong over the years is in giving a demeaning handout to a country who looked to us for the secret of our own success. That secret is the engine of our progress—our free market, free enterprise system or free commercial state. That is what they are looking for. They want to emulate the economic strength of this country, not a handout.

That is precisely what this bill begins to set in motion. It is not giving a handout. It is beginning to give, for the first time, incentives to these countries to begin to develop their own free market economy and strong economy.

When we look at history we find that all through history, my colleagues, the strongest alliances between nations have been built on trade, and from that have become national defense alliances as well. A strong economy is going to keep these Caribbean countries free, make them trading partners of this Nation, and someday even allies. Think of the billions we could have saved and the much better conditions the world could be in if only we had tried something like this years ago.

Opponents of this bill fear that it will cost the United States jobs and they profess a support of foreign aid instead. I think they are wrong. What they are fearing is fear itself, and we had one President caution us against forming a national policy based on fear of fear itself. We do not have to fear free and fair trade. We can and will compete successfully in this strong Nation of ours against anybody who competes fairly. We have laws on the books that are going to insure that all of these countries are going to have to compete fairly.

But, here is the interesting part—when their economy grows, they are going to have the money for the first time to buy our goods, and they do not have it now. That will create jobs in this Nation that do not exist now. Furthermore, we will have reductions, I hope and suspect, in our national defense budget as this part of the world becomes stronger economically. We will no longer have to finance handouts out of our own budget, both thereby reducing deficits, and again contributing to a stronger economy in this country.

Protectionism, in this country, coupled with the age-old mistake of big brother handouts is not the solution, Mr. Chairman and my colleagues. The solution is to give incentives to help these countries build their own strong free economies, make them trading partners of ours, equal partners of ours, and thereby true friends forever.

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

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

Mr. KEMP. Mr. Chairman, I have been sitting here listening to the gentleman from Louisiana, and my friend and colleague from western New York, Mr. CONABLE, and I just wanted to rise to say how much I appreciate the statements that are being made on behalf of this legislation. I also want to compliment the chairman of the committee, Mr. ROSTENKOWSKI, for his able leadership. The gentleman from Louisiana has suggested that the secret of economic growth and prosperity is freedom and incentive.

The CHAIRMAN pro tempore. The time of the gentleman from Louisiana has expired.

Mr. CONABLE. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana.

Mr. KEMP. The gentleman has also suggested, and I fully concur, that the Caribbean Basin Initiative is more than an economic program. A major part of our foreign policy is to export the ideals and values of democratic capitalism, the American idea. To do this we must be ready to encourage any nations which are willing to adopt democracy and its attendant political and economic freedoms. When those nations are our closest neighbors, the nations with which our interests are most closely intertwined, idealism and philosophy merges with stark reality. The United States simply cannot ignore the totalitarian threat which grows almost on our borders. We must take the initiative to protect our freedoms by expanding our ideals and way of life; we must counter the ideological and political threat of Communist insurgents with the realities of econom-

ic, social, religious, and political freedoms.

The Caribbean Basin Initiative is but the first salvo in the new American effort to renew our dedication to the American idea. As President Reagan presented so eloquently before the British Parliament, we must develop these ideas as the cutting edge of our foreign policy. While we will always stand ready to assist the poor and struggling nations with our economic and industrial resources, by far the most important contribution we can make to their economic, political, and social well-being is to provide an ideal toward which they can aspire, just as we aspire to gain the full measure of our promise as a Nation.

The gentleman suggests the secret to economic growth and prosperity is incentive. The same ideas that carved out of this raw continent a very striving and prosperous nation will bring prosperity to our neighbors.

The economic problems facing the nations which will benefit directly from this legislation are the same as our own: High unemployment, unstable currency, excessive government debt. The solution is likewise the same. None of the nations of our region will solve their problems without sustained economic growth brought about by increased incentives to work, save, and invest and a monetary system which provides sound, stable currencies and stable exchange rates. the Caribbean Basin Initiative program is but a first step toward setting the preconditions for economic growth.

As with our own economic recovery program, the Caribbean Basin Initiative is aimed at expanding the size of the economic pie shared by all Americans. Just as the great American prosperity of the 1950's and 1960's developed hand in hand with the rebirth of the European and Japanese economies, our coming economic recovery will be greater as the economies of all our trading partners prosper.

Expanding trade through a program which depends on the initiative and dedication of entrepreneurs, workers, and investors rather than subsidies and government support can only mean more jobs and higher incomes for everyone.

□ 1215

Mr. Chairman, I think the gentleman has made a tremendous contribution to this debate. I appreciate his contribution, and I thank him very much for his leadership. I want to congratulate him for that.

Combined with the emergency foreign exchange assistance already provided and the investment tax incentive package to be ready early in the next Congress, this legislation will make a significant contribution to expanding economic opportunities and building strong trade relationships throughout the Central American/Caribbean region.

Mr. MOORE. Mr. Chairman, I thank the gentleman from New York (Mr. KEMP). I say to my colleague that I have heard him expound many, many times on this very point. That is exactly what I see as the fundamental difference in this bill compared to anything that we have been called on to vote upon in the four Congresses in which I have served.

For the first time, as the gentleman said, we are not only exporting the true secret of the materialistic success, happiness, and freedom of the American people—our free market economy—we are also making it possible. We are also setting in place a series of trade incentives that allows them to freely export their products to this country, which makes possible the establishment of a free market economy all throughout the Carribean Basin.

Mr. Chairman, the combination of these two things, I believe, is going to lead to a new day in foreign policy for the United States, one that is a whole lot more successful than what we have seen in the last 30 or 40 years.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. JENKINS).

Mr. JENKINS. Mr. Chairman, I rise in support of this bill.

I recognize that the President, in speaking for the Nation, has made a firm commitment with this proposed legislation. I think that it is imperative that we as a Nation attempt to do more for people in this hemisphere, in this part of the world, because certainly our strength and our future lies with these people.

So while there are areas in this bill about which I have concerns, I intend to support it on final passage. I intend to do so enthusiastically because I think it is a good bill. We have looked after some of the most sensitive areas of our own domestic industry. As I indicated earlier during the debate on the rule, I intend to support, if it is offered, the amendment made in order by our colleague, the gentleman from the Virgin Islands (Mr. DE LUGO). I really believe that the committee has made a mistake in not working this matter out for American citizens in the Virgin Islands, because they are American citizens. Let me remind those Members who are about ready to go to lunch that I want them to think about one thing when this amendment comes up.

In the last 15 months, Jamaica has brought into this country 2,700,000 proof gallons of rum that are now stored here, and 600,000 gallons have been withdrawn, leaving over 2,000,000 there. The tariffs have not been paid. I want to tell the Members that this is owned by multinational corporations. I say to my friends that they ought to think about that when we pass this bill, without the de Lugo amendment that gives some protection for Puerto Rico and the Virgin Islands. I would tell the Members that this could become an embarrassment, and I do not want to see that happen. We can avoid that if we adopt the de Lugo amendment. The de Lugo amendment is a very liberal amendment. It attempts to say to the rest of the countries, "You can increase your importation into the United States by 50 percent a year." It was agreed upon by Mr. BROCK earlier. It ought to be made a part of this bill so that we can enthusiastically support it.

I will be honest and say to the Members that I intend to support the bill regardless. I have no interest in the Virgin Islands, but there is a principle involved. Today, when the gentleman from the Virgin Islands (Mr. DE LUGO) offers that amendment, I ask the Members to take the opportunity to look at it and study it. It deserves their full support.

Mr. Chairman, as we try to help the rest of the Caribbean countries, let us not forget Puerto Rico and the Virgin Islands. They are, after all, American citizens, and we owe them that much.

Mr. CONABLE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Chairman, I rise in strong support of H.R. 5900, the Caribbean Basin Initiative, in my opinion one of the most important bills of this 97th Congress.

As my colleagues are well aware, the Congress passed one element of the CBI several months ago, the economic emergency assistance package for the Caribbean nations. But since that was only one element of the administration's overall program for helping revitalize the economies of our Caribbean and Central American neighbors, it is essential that we approve today the remainder of the CBI package. It is important to note that the Ways and Means Committee carefully considered and amended the bill. It was not a hurried consideration.

The crisis in the Caribbean has not changed since the President announced his initiative in February. If anything, the needs are even greater today. Relying just on direct economic assistance will not solve the long-range economic difficulties that region faces. We must provide the combination of trade and investment incentives that will permit the Caribbean and Central American countries to develop and sustain economic growth that mean a real improvement for their peoples.

The urgency of the situation was made clear in the President's visit to Latin America during the first week of December. The residual effect of the Falklands/Malvinas conflict was still

apparent, and we need to point to some positive accomplishment toward Latin America and the Caribbean to help improve our relations with this region. The importance of the CBI can be felt in more than just our international relations. It can have a positive domestic effect as well.

Among the arguments I have heard since the CBI was first proposed were those complaining about the amount of money being spent on foreign aid while domestic programs were being cut back or that elements of the CBI which provide for a free trade zone and promote foreign investment might mean a loss of jobs at home. However, as those Members from California and other Southwestern and Southern States know, the flood of immigrants to the United States, both legal and illegal, from Latin America and the Caribbean Basin places a strain on the U.S. economy that is much greater than the programs represented by the CBI. If the Caribbean Basin Initiative is successful, it should save money and jobs for the United States.

Last March, at a meeting in which the United States participated with Canada, Mexico, Venezuela, and Colombia, a joint communique was issued praising the CBI. It said the Caribbean Basin Initiative "could make a significant contribution to the region's development," and the foreign ministers at that meeting expressed their hope that "these measures would be implemented as quickly as possible."

Every single Caribbean and Central American leader with whom I have met has strongly supported CBI. They also emphasized the need to have a comprehensive program for every country in the area.

For my colleagues who do not like foreign aid, here is a hand up, not a hand out approach, trade not foreign aid. For my colleagues who do not like military aid, here is a chance to get ahead of the curve, to promote economic, social, and political stability, to promote democracy, for if we do not, we will be back here considering emergency military aid.

It is vital to the United States national interest and to the interest of our relations with our Caribbean and Central American neighbors that we promptly pass this legislation. I urge my colleagues to resist efforts to restrict the impact of the CBI and to give H.R. 5900 their strong support.

THE WHITE HOUSE,
Washington, December 16, 1982.

Hon. ROBERT J. LAGOMARSINO,
House of Representatives,
Washington, D.C.

DEAR BOB: The Caribbean Basin Initiative, a bipartisan program that will stimulate both U.S. and Caribbean trade and investment, will likely reach the House floor in the next few days. Before you begin consideration of H.R. 7397, which pertains to the trade and tax provisions of the CBI proposal, I wish to reinforce the Ways and Means Committee's strong support for CBI and underscore the importance of the program to our foreign policy interests, to our neighbors in the south, and to me personally.

As you know, the Caribbean Basin as a whole faces severe economic trouble. My recent trip to Latin America convinced me more than ever that the area's problems are, or will inevitably become, our problems as well. I firmly believe that the best way to ensure economic viability, ease immigration concerns and promote stable democratic governments in the Caribbean is to offer the incentives embodied in the legislation. The CBI is one of this Administration's highest foreign policy priorities because it is needed desperately—and because it will work. It represents an approach to development that America believes in—earning one's own way through trade.

The Presidents of Colombia, Costa Rica and Honduras personally emphasized to me the importance of CBI, not only for them but for the region as a whole. Let me stress that the program is a two-way street—not only will it help the Caribbean, but it will also stimulate U.S. trade.

I ask your support for prompt and favorable action on this bill.

Sincerely,

RONALD REAGAN.

[Mailgram]

CARIBBEAN CENTER, AMERICAN ACTION,
Washington, D.C., December 14, 1982.

Hon. ROBERT J. LAGOMARSINO,
House Office Building,
Washington, D.C.

DEAR MEMBER OF CONGRESS: We are writing to ask your vote in favor of passage of the Caribbean Basin initiative, which each of us strongly believes is vital to the long-term interests of the American people.

The fate of the Caribbean Basin is inseparable from our own. Our neighbors of Central American and the Island Caribbean have often received little public attention, but every administration in the post-war era has understood that the Caribbean Basin is critical to both our security interests and our long-term social and economic well-being. The Caribbean Basin initative was formulated by this administration, but it reflects the concerns and insights of its predecessors, both Democratic and Republican.

The legislation approved by a 27-6 vote in the House Ways and Means Committee provides opportunities and incentives for more investment, more production, and more jobs in the Caribbean area. These opportunities—if realized intelligently and energetically by the people of the basin—will stimulate self-sustaining growth to serve as the foundation for political and social progress and stability. The alternative, and the inevitable result of continued political and economic unrest in our immediate neighborhood would be a highly uncertain security situation, a rising flow of immigration, and direct and disruptive human consequences for the United States.

Understandable concerns have been expressed by some about possible effects on U.S. production and employment. We believe the legislation as it emerged from the committee is balanced with safeguards for our most vulnerable industries. In addition, we are convinced that the long-term impact of the CBI will be positive. A prosperous Caribbean Basin means a better market for our own exports. It means lesser demands on U.S. resources—for defense, for economic assistance, and for social expenditures within the U.S. to help the displaced victims of social and economic unrest.

We urge the full Congress to follow the committee's example and complete passage of the CBI program. To delay will not help our economy or U.S. workers, but it will harm both our friends and our long-term national interests.

Please accept our thanks in advance for your personal contribution on this vital issue.

Sincerely,

DEAN RUSK.
WILLIAM P. ROGERS.
HENRY A. KISSINGER.
CYRUS VANCE.
EDMUND S. MUSKIE.
ALEXANDER M. HAIG, Jr.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI).

Mr. ZABLOCKI. Mr. Chairman, I rise in strong support of the bill before the House, the Caribbean Basin Economic Recovery Act.

I would first like to commend the chairman of the committee, the gentleman from Illinois (Mr. ROSTENKOWSKI), the gentleman from Florida (Mr. GIBBONS), the ranking minority member of the committee, the gentleman from New York (Mr. CONABLE), the gentleman from Minnesota (Mr. FRENZEL), the gentleman from Michigan (Mr. VANDER JAGT), and the other members of the Committee on Ways and Means, for moving this important and controversial legislation in such a responsible fashion. They have shaped the trade and tax portions of the President's Caribbean Basin Initiative in a manner which resolves most of the serious domestic concerns, while not substantially altering the basic intent and purpose of the proposal. For that they deserve our commendation and that of the President.

Earlier this year, the Committee on Foreign Affairs held extensive hearings on the entire Caribbean Basin Initiative and reported a slightly revised version of the foreign assistance portions of the package. The Appropriations Committee followed the provisions of that bill in appropriating the funds in a supplemental appropriations bill in September; those funds are now being made available. That assistance is designed to help meet the short-term balance of payments needs which are hamstringing the economies of most of the countries of Central America and the Caribbean. It will tide them over only in the short run. More critical to the medium and long-term development of the region are the provisions, particularly the trade provisions, of H.R. 7397.

Let me call the attention of my colleagues to two critical points. One, the Caribbean Basin area is critical to U.S. foreign policy, economic, and security interests. As the majority leader so eloquently emphasized, those very in-

terests are being placed in jeopardy today by the economic retrenchment and malaise that is engulfing the region. The longer that stagnation continues, the greater will be the threat to the established democratic processes in many countries in the region, the greater will be the retrenchment in U.S. exports to the region, and the large number of illegal immigrants will find their way into the United States.

Second, the Ways and Means Committee has modified this legislation so as to minimize the potential job loss and to maximize the potential job gain, to the extent that, in fact, this legislation should be viewed as a jobs-creation program. All of the U.S. products most sensitive to foreign competition have been exempted from the free trade provisions, and the economic activity that will be generated in the region will be directly supplied by U.S. materials and capital equipment—that is, will create U.S. jobs.

I urge the Members to vote in favor of this important legislation so that it can be sent to the Senate and enacted before the end of the session.

Mr. CONABLE. Mr. Chairman, I yield 3 minutes to the distinguished ranking minority member of the Committee on Appropriations, the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, first of all, I want to thank the ranking Republican member of the committee for yielding me this time.

Mr. Chairman, I rise in support of H.R. 7397, the Caribbean Basin Initiative. There is one question that I am sure has been or will be asked by each Member of this House before their vote is cast on this bill: How can we create a program of foreign assistance—duty free, one way trade—when the United States is in the midst of the most severe economic recession since the Great Depression? Good question.

I had this same concern before I considered the specifics of this proposal. Now, I am convinced that the Caribbean Basin Initiative is in the best interest of America.

The facts concerning the CBI are clear and well documented.

First, the CBI is in the national interest of the United States. The economic security of this country depends on a politically stable Caribbean Basin. Nearly one-half of all U.S. trade—including three-quarters of our imported oil—passes through the region. Let us take this opportunity today—to address a growing atmosphere of instability before it is too late, before more drastic measures are required.

Second, the Caribbean Basin Initiative is a trade bill, not an aid bill. In September, the Congress approved a supplemental appropriation for fiscal year 1982 that contained $350 million as part of the economic aid component of the CBI.

The trade component, probably the most important element of the initiative, simply allows qualifying Caribbean nations duty free access to U.S. markets. Of course, there are certain exceptions to protect U.S. interests. But again, let us consider the documented facts—not the myths about the CBI. The critics argue that the plan will cost American jobs. I understand their concern. I would not be here today supporting such an initiative if the bill detrimentally affected our economy, especially during this recession. However, the reality does not support this concern.

The United States has a $2 billion trade surplus with the Caribbean region; and

Imports to the United States from this area amount to only 4 percent of total U.S. imports.

The weak and struggling nations of the Caribbean could hardly damage the U.S. economy.

Finally, Mr. Chairman, let me make one more observation. Last night we were subject to extensive debate on the immigration reform bill, I do not want to diminish the importance of the legislation, but Members should examine the CBI in terms of immigration. It is a fact; the Caribbean Basin region is the second largest source of illegal immigration to the United States. With better economic conditions, the mass immigration will surely slow down.

The trade bill under consideration today is a well-balanced program. The bill combines a substantial economic stimulus to Caribbean countries with essential and adequate safeguards for American economic interests.

Mr. Chairman, passage of the Caribbean Initiative is a chance for this Congress to make the lameduck session worthwhile. I urge my colleagues to examine the facts, to consider the realities, and to contemplate the consequences of inaction—when the House votes on this bill today.

□ 1230

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. BARNES).

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

Mr. BARNES. I yield to the gentleman from Massachusetts.

Mr. STUDDS. I thank the gentleman for yielding.

Mr. Chairman, this bill strikes me as far more on symbolism than it is on substance, but I think the symbolism is a good one and I ask my colleagues to support it.

Mr. Chairman, it does not seem to me that H.R. 7397, the Caribbean Basin bill, will have a discernible effect on the economy of the United States. If it were not for the symbolism attached to this legislation, and the visibility of the administration's support, I think this would be a routine, almost inconsequential bill.

I will vote for it because I think it will help relations between the United States and countries of the Caribbean and Central America, and because I believe it may contribute, in a small way, to the economic well-being of nations in which the majority of people are desperately poor.

I am not a supporter of the Reagan administration's overall policy toward Central America and the Caribbean. The Caribbean Basin Initiative barely begins to address the severe social and economic problems which are the cause of much of the violence and misery in the region today. The President, himself, has claimed great credit for this initiative, while at the same time calling for reductions in U.S. contributions to international financial institutions, including the Inter-American Development Bank. In addition, the President has ordered that the grant money included within the CBI be allocated almost in its entirety to El Salvador, while Costa Rica, the most democratic of Latin American nations, must pay back every penny it will receive.

But the issue today is not President Reagan's policy toward Central America, it is H.R. 7397. The countries of the region want this bill; it will not damage U.S. interests; and I hope in the long run it will serve them.

I support the bill, and I urge my colleagues to do the same.

Mr. BARNES. Mr. Chairman, I think it is fair to say, and I doubt I would be contradicted by anybody in this body, that I have not exactly been a flak for the Reagan administration's Latin American policies in my position as chairman of the Subcommittee on Inter-American Affairs of the House Foreign Affairs Committee.

When I think President Reagan is mistaken, or Secretary Haig or Secretary Shultz are mistaken with respect to their approach to Latin America, I have no hesitancy to speak out and criticize those policies.

But equally, when I think they are right, when I think they are taking a step that is consistent with the kind of policies many of us on the Democratic side have advocated for years, going back to President Kennedy, President Roosevelt, and others, I am going to stand in the well of this House and advocate voting for that Republican President's initiative. That is exactly what we have today.

We have an initiative from a Republican President that is consistent with exactly what many of us as Democrats have been arguing for years and decades as what we ought to do. Many of us say that military assistance and military programs are not the answer

to the U.S. security interests in Latin America.

Now we have an opportunity today to demonstrate that we believe what we have been saying all these years, that we believe that the answer to our security concerns is economic growth, development, and that that ultimately is going to be the key to U.S. security in the region.

I had the opportunity as chairman of the subcommittee earlier this year to have lunch at the home of the outgoing President of El Salvador, Jose Napoleon Duarte, the leader of the Christian Democratic Party in El Salvador, a moderate and friend of the United States, a committed democrat, and I say democrat with a small "d."

He said something to me at that time that I will never forget. It has been echoed in many conversations with other leaders from the region. President Duarte said:

If the people of my country just believed that tomorrow was going to be better than today, that their children were going to have a better life than they have had, then the communists could bring all of the guns they want into my country, but there would not be anybody here to pick them up and use them.

That, it seems to me, is the challenge to the United States. It is the challenge that in a very small way, in a much too small way, really, the Caribbean Basin Initiative is designed to address. It is to give those people hope that tomorrow will in fact be better than today, that their children can have a chance to get a job, that their children are going to have the kinds of opportunities they have been denied.

I urge support for this initiative.

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Wyoming (Mr. CHENEY).

Mr. CHENEY. Mr. Chairman, we have before us today legislation that would write into law the centerpiece of the Reagan administration's foreign policy toward our neighbors throughout the Caribbean, and Central America. It is imperative that we take action today to give cohesion, direction, and solid support to America's policies toward our crucial neighbors in this hemisphere.

For far too long, America's policies toward our closest neighbors have been dictated by the crisis of the moment, and have been based on little in the way of the consistent, long-term interests of both our own country and the other nations which share this hemisphere with us.

Since President Reagan took office, however, there has been an increasing attention to the setting of our foreign policy goals regarding the Caribbean, Central and South America. The backbone of President Reagan's program has been to insure that our policies reflect consistent, long-term interests, goals and programs, not simply will-o'-the-wisp, stopgap reactions to short-term crises.

That is why he has offered his Caribbean Basin Initiative, and why it is so important to all of the Western Hemisphere. Mr. Chairman, the Caribbean Basin Initiative will give a needed boost to the economy of many nations bordering on the Caribbean Sea, without adversely affecting the American economy. Indeed, by improving the economic climate of all of the Western Hemisphere, it will help both American industry and our labor force at a time of economic belt tightening. H.R. 7397 carefully protects sensitive American industries, brings about cooperation on taxes between the United States and affected nations, improves the economic climate of the region, and gives needed support to a host of friendly governments which have emerged in the region. It is good for the people of the Western Hemisphere—the United States included—both economically and politically. Mr. Chairman, the House Republican Policy Committee, of which I am chairman, has considered the foreign policy and economic proposals encapsulated in H.R. 7397, President Reagan's Caribbean Basin Initiative, and given the package its wholehearted support. The full statement of the House Republican Policy Committee follows:

The House Republican Policy Committee supports President Reagan's Caribbean Basin Initiative (H.R. 7397) and urges passage. This bill will do much to extend political and economic stability to America's neighbors in the vital Caribbean region.

President Reagan's proposal is crucial to American interests. Our nation's economy and security would be threatened by constant confrontation with a collection of hostile nations in that area. Much of this nation's trade currently passes through the Caribbean Basin. Faced with economic strains, the region has become our second largest source of immigration. The now-emerging generation of constructive new leaders in the Basic must be able to show their people tangible economic progress if they are to maintain the momentum toward stable, democratic political systems. The alternative to this fresh wind of responsible leadership in the Caribbean is demagogues of the extreme left or right who are hostile to U.S. interests.

H.R. 7397 will help these nations achieve self-sustaining growth. The House Republican Policy Committee believes that the long-term economic stability arising from the Caribbean Basin Initiative will be immeasurably greater than the immediate cost of the proposal.

The House Republican Policy Committee agrees that the current economic crisis in the Caribbean will not disappear if action on H.R. 7397 is postponed. Delay will simply make the situation worse. In addition, countries of the Caribbean Basin now buy most of their imports from the United States. An economically and politically healthy and stable Caribbean region means a better economy and more opportunities for American workers. For all those reasons, the House Republican Policy Committee therefore supports and urges passage of H.R. 7397, President Reagan's Caribbean Basin Initiative.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Chairman, I rise in support of this initiative.

When the Ways and Means Committee, led by our chairman, went to visit some of the countries, I gathered that he was apprehensive as to whether or not there was substance to some of the programs, whether it would work or whether indeed it would be received. I think he was overwhelmed, as most of the people on the committee were, with the friendliness of the people that we went to visit.

It is remarkable to see how so many people who live so close to these great United States can offer their friendship to us and, unlike so many other nations, ask absolutely nothing in return.

No matter where we went, no matter whom we visited, we saw America was almost a part of their lives.

Certainly those of us that came from the city of New York can hardly go to any neighborhood without finding some part of the Caribbean there because most every family, whether they come from wealth or whether they come from poverty, somehow hope that their kids could become a part of this great American dream that we just take for granted here.

I guess with friends that it is natural to do this, that we have taken them for granted for so long.

Some people have declared that the Caribbean Basin Initiative is merely symbolic and others have said but so what, because for so many islands that are there in the Caribbean they will be unable to take advantage of any of the relaxation of trade because they are just too poor to take advantage of what is in the bill.

Yet the leaders in each and every country had hoped that this Congress would fulfill its symbolic commitment to say that they recognize our friends, that they recognized a need and perhaps if this great country would just say we are concerned, that somehow it would improve the economic conditions so that thay would not have to beg for assistnce but, indeed, they can stand on their own two feet and trade with this country. They are only asking for an opportunity to manufacture and allow this market of ours to be exposed to them.

It is not competitive to anything that our country is involved in. Our economic recession, and certainly a depression for people in my district, is not going to be affected by the symbolism in this bill.

But what a great opportunity for this country not to wait for a whole lot of political problems to cause unrest, not to be so anxious to be con-

cerned about whether or not there is a submarine from the Soviets, not to be concerned because someone visits that small island called Cuba. But merely to be concerned that so many people that have loved this country, that have visited this country, that live in this country, are just asking whether or not friends are willing to help friends.

I am certain that this Congress is willing to do just that.

Mr. VANDER JAGT. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I rise in support of the bill as amended by the amendments offered by the committee.

The heart of this bill is a duty-free status that is accorded certain goods that are produced or could be produced by those nations which we regard as friends in the Caribbean Basin. The primary purpose of H.R. 7397 is to facilitate the economic expansion of those nations in the Caribbean Basin.

However, when we implement the bill we must not allow that noble purpose, and it is a noble purpose, to lead to a transplantation of American industry to the Caribbean. We must very carefully apply this initiative.

The American tuna industry, for example, is a very highly mobile industry. It does not depend on a complex chain of suppliers. It is not based on permanent facilities that cannot be moved. It is not based on high technology.

To process tuna you need two things basically. You need people and you need tuna.

It is obvious that should this duty be lifted we could expect this employer of some 50,000 Americans to migrate across the street. So because of this unique mobility and the trade sensitivity of the tuna industry, the Ways and Means Committee has seen fit to offer an amendment to exclude tuna.

Let me tell my colleagues: several thousand workers in San Diego's tuna industry, as well as in American Samoa, and Puerto Rico, and Hawaii are greateful for this relief.

Mr. Chairman, I therefore strongly support the bill but I would urge the President and this Congress to review this situation as often as possible to assure that this initiative increases the industrial base of our neighbors and not necessarily that of Japan and Western Europe.

I yield back the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Puerto Rico (Mr. CORRADA).

Mr. CORRADA. Mr. Chairman, I rise in support of H.R. 7397, the Caribbean Basin Economic Recovery Act, and I also support certain amendments made in order by the Rules Committee which will be offered later today.

The Caribbean Basin Initiative taken by President Reagan represents the first comprehensive effort in 20 years on the part of the United States to stimulate economic development in that region. The proposal merits the support of the American people, including the people of Puerto Rico.

From the beginning, Puerto Rico has followed the initiative with interest and concern. The interest springs from an appreciation that Puerto Rico itself is more likely to prosper over the long run if it finds itself in a basin of hopeful prosperity rather than destabilizing poverty. Yet more than economic calculations are at work. Given the common history, heritage and geographic location of the countries of the basin, Puerto Rico's attraction also springs from the emotions of consanguinity.

Puerto Rico has, however, expressed some concerns about the policy. To be successful the CBI must adequately protect, preserve, and develop further the Puerto Rican economy. In the letter transmitting the CBI bill to Congress, President Reagan reaffirmed his administration's commitment to a number of steps designed to take into account the special position of Puerto Rico and the Virgin Islands. I am pleased that certain important safeguards for Puerto Rico's rum industry as well as agricultural products are included in the bill.

To promote joint resource development in the basin, inputs to Caribbean Basin production from plants in Puerto Rico and the Virgin Islands will be considered domestic inputs from Caribbean Basin countries for purposes of the rules of origin when goods are exported to the United States. Industries in Puerto Rico and the Virgin Islands will have access to the same safeguard provisions as mainland industries under the Trade Act of 1974. Thus, affected industries including those engaged in agriculture, will be able to petition for relief from serious injury. Finally, to further the agricultural development of the area, a tropical agricultural research will be centered in Mayaguez.

Despite these specific measures to aid Puerto Rico, its population remains concerned about certain issues such as tuna. I urge Congress to amend the legislation to protect the vital American tuna industry in Puerto Rico and elsewhere in the Nation.

Whether the CBI can be successful will depend on the kind of partnership the governments of the area decide to forge with private business. A wise partnership will enable the countries in the area to promote fairer business, trade, and labor practices. In contrast, the initiative can only fail if governments encourage activities that exacerbate the unfair exploitation of local resources, including labor, and result in the rich becoming richer. The experience of Puerto Rico can offer an example: Its successful experiments others can suitably adapt; its mistakes they can carefully avoid.

I urge you to support certain amendments, particularly the tuna amendment, and subject to the approval of the amendments, I urge you to support the bill.

Mr. VANDER JAGT. Mr. Chairman, I yield 5 minutes to the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I come to this body today with some mixed feelings about this bill. While my President supports it and I would like to support it, and the fact that the Caribbean nations no doubt need help and need a good dose of the free enterprise system that this bill ostensibly would provide to them, there are some very important areas of the United States, one of which I happen to represent, which could be severely hurt by this bill, I am afraid.

It is that interest that I wish to speak to briefly today.

We have exempted oil from this bill. We have exempted textiles, garments, leather goods, and others. Perhaps later on tuna will be exempted.

Yet we have not exempted a product grown by hundreds of thousands of small, poor farmers in this country that I think would be severely hurt by this amendment. That is tobacco.

□ 1245

This bill does not exempt tobacco, leaf tobacco, grown from the Caribbean, and perhaps under the provisions of this bill funneled through the Caribbean from places such as Brazil and South Korea, places that do not come within, of course, the Caribbean Basin area.

There are hundreds of thousands of small tobacco farmers in this country who can be severely hurt by this bill, 40,000 of whom grow tobacco in my southern Kentucky district. The first, and foremost, and obvious effect of the bill would be to increase tobacco production and exports from the Caribbean countries, countries which are already major tobacco producers. They already export over 14 million pounds per year into this country, and they already have the capacity to undersell us by $1 per pound.

So who does this CBI tobacco provision concern? It does not concern the large cigarette manufacturers in this country because certainly cheaper tobacco leaf would benefit those companies. It does not concern the very large corporate growers of tobacco in this country because they can survive against that kind of competition. It does not even concern those in this body who are concerned about the

health aspects of smoking and tobacco. Who it does concern are the hundreds of thousands of those very poor farmers growing tobacco in the 1-acre plots in the Appalachian section of this country and throughout the Midsouth. who have no other source of income with which to buy the groceries to feed their small children, with which to buy the education for those children, with which to provide the very basic living for those poor families. That is who this bill directly affects in this country.

The second major impact of this bill, perhaps more importantly, the 35-percent local content provision contained in the bill will have an additional adverse effect, it will encourage other foreign tobacco products to be processed in the Caribbean and then shipped to the United States with duty-free treatment. Exports by some of our larger competitors presently would be encouraged, including Mexico, Brazil, South Korea, Italy, and Malawi, with little additional expense for ocean freight to mitigate this possibility. We would be handing these countries, not the Caribbean, a savings of approximately 15 to 17 percent ad valorem duty which is presently charged.

Mr. Chairman, let there be no mistake about whether imports of tobacco are growing. During the years of 1974 to 1978, annual imports of cigarette leaf totaled about 5.4 million pounds. By 1981, this figure had skyrocketed all the way to 14.2 million pounds, a tripling of imports of Caribbean leaf. And the potential for even more increases in tobacco production remains in these Caribbean countries.

And with domestic demand flat, increases in imported tobacco can only mean decreases in the use of domestic leaf.

Mr. Chairman, the severe impact of this shift away from domestic toward foreign tobacco would not fall on the large cigarette manufacturers. It would fall strictly on the shoulders of the hundreds of thousands of small growers in 22 States across our country. It would fall especially heavily on the shoulders of the 40,000 small tobacco growers right in my own district.

The average size of a tobacco allotment in my district is about 1.3 acres—these are clearly small farmers. And Mr. Chairman, if my farmers are not able to produce tobacco, there is simply no other crop they can turn to to restore their principle source of income.

Moreover, Mr. Chairman, this policy runs counter to the very concerns our own Department of Agriculture has voiced earlier this year. They stated their concern that there would be surpluses of tobacco on the U.S. market and that to remedy this situation they had to cut back on the tobacco price support level. But, Mr. Chairman, allowing duty-free treatment for tobacco imports will only worsen this glut, with more tobacco coming under loan.

Mr. Chairman, our farmers have had to absorb enough expenses this year. At the same time that they have suffered with crippling interest rates and low commodity prices for their other products, they have had to absorb the costs of weighing and grading tobacco. They have had to absorb the assessments for the no net cost tobacco program. And they will have to absorb the nearly staggering impact of the doubled cigarette taxes. Now, the frightening prospect of millions of pounds—duty free—from the farmers of Honduras, Nicaragua—possibly South Korea, Brazil. What programs will be required to support our families when their only cash crop is not marketable.

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. PEASE).

Mr. PEASE. Mr. Chairman, I rise to express my opposition to this bill. I do not oppose it happily.

As a former member of the Foreign Affairs Committee, I am acutely aware of Central America's desperate need for economic development. Not one of the hundreds of people who have worked directly on this legislation have questioned the Caribbean area's urgent need for such essentials as jobs, food, and political stability. Our differences of opinion have centered around how best the people of the United States can assist the people of the Caribbean, not on whether the goal is an honorable one. Stability in the Caribbean is crucial to American foreign policy interests. If this proposal works—as some say it will—and these countries experience new found productivity, then the United States will benefit as well. This bill is also important as a visible demonstration of American commitment to the people of the Caribbean and to their future growth and welfare. Time and time again we have turned our back on this region.

It is possible that the centerpiece of H.R. 7397, the one-way free trade provision, could attract capital investment to these struggling countries and stimulate expansion of existing industries. However, I have serious reservations about whether the 35-percent, value-added language will be sufficient to protect American workers from the passthrough of goods from third party countries through the Caribbean.

My problem is not with the concept of trade concessions to this area nor with specific language in the trade title. Rather, my problem is with the painfully high level of unemployment we are experiencing in the United States and, particularly, in my district in north central Ohio. The unemployment rate in the United States is 10.8 percent, in Ohio it is 14.2 percent, and in the largest county in my district it is an intolerable 24 percent.

I simply cannot go back to my district, which is suffering cruelly from an erosion of its industrial base and the permanent loss of many jobs, and tell 50,000 jobless people and their families that I supported legislation which might cause further job loss in our country and might encourage American plants to relocate in the Caribbean.

My problem with the Caribbean Basin Economic Recovery Act can be laid at the doorstep of the Reagan administration, which has told people if they are unhappy with having no job they can vote with their feet. This administration has consistently opposed unemployment compensation, jobs programs and job retraining for the unemployed. For example, at a recent Subcommittee on Public Assistance and Unemployment Compensation hearing on proposed legislation extending supplemental unemployment benefits, the administration refused to even appear to present its views. At a hearing this year in the Trade Subcommittee on my bill to create job-retraining opportunities for workers displaced through imports, the administration appeared to record its strong opposition to the proposed program. The administration also refused my request to include job-training benefits in this bill for workers losing their job as a result of import penetration. Further, the administration has signaled its intention to veto the jobs bill written in the House.

The administration simply cannot have it both ways. It is unconscionable to promote a trade and tax concession bill that will make it easier for companies in the Caribbean to compete against American workers and simultaneously to refuse essential job retraining for those workers, to oppose extension of unemployment compensation, and to threaten the veto of new job-creating legislation.

Mr. CONABLE. Mr. Chairman, I yield 4 minutes to the gentleman from Delaware (Mr. EVANS).

Mr. EVANS of Delaware. Mr. Chairman, today we consider one of the most essential components of the Caribbean Basin Initiative, the critically important trade provisions of CBI. The economic and national security interests of our own Nation are important to every citizen of the United States, and they are closely bound to the stability and the development of the nations in this area of the world. Aside from humanitarian reasons, this region is absolutely vital to the economic well-being of the United States. Nearly half of all of our trade travels through the Panama Canal or the Gulf of Mexico. Two-thirds of our imported oil, the lifeblood of U.S. industrial production, follows this same

route, and over half of the materials determined to be strategic and critical to our own national security and our own economy must pass through this region.

Let me reduce this concept down to one issue very close to home, to one country in our own backyard, to the country of Jamaica. Bauxite from Jamaica is critically important to our Nation's economy because of the need for aluminum. You cannot make aluminum without bauxite, and we are very much dependent upon the large amount of this material we import from Jamaica. Jamaica is also important because of its strategic geographical location. It is also extremely important because Edward Seaga, the Prime Minister of Jamaica, is a good friend of the United States of America. He defeated the Marxist-oriented Michael Manley in October 1980 in a free and fair election. That country was on the brink of chaos, economically as well as politically. He is beginning to bring Jamaica back. We need to reinforce his efforts.

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

Mr. EVANS of Delaware. I yield to the gentleman from Florida.

Mr. NELSON. Mr. Chairman, I want to point out the personal relationship that the gentleman from Delaware has with the Prime Minister of Jamaica and thank him for his personal efforts to assist Jamaica and the Caribbean in their comeback attempt.

I support this legislation.

The security interests of the United States will be severely challenged in the next decade in the Caribbean Basin region.

Economically and militarily, the Caribbean Basin is of utmost importance to America. At least 45 percent of all oil imported to the United States traverses those waters and 40 percent of all shipping commerce to the United States uses the shipping lanes of that region.

The Caribbean Basin is a grouping of island nations from Florida to the coast of South America and includes the nations of Central America now in such turmoil. In all, there are 2 dozen.

Castro's Cuba backed by an expansionist Soviet policy, has been exporting revolution and is having some success. A former parliamentary democracy, the tiny island nation of Grenada, now sports Mig-23's on its new 12,000 foot Cuban-built runway. Nicaragua has become a staging area and conduit for the spreading of Cuban and Soviet-supplied arms throughout the region.

Economic siege and class warfare have made this region ripe for revolution.

The United States, to protect its own vital interests, must respond immediately with an economic program that combines trade, aid, and investment—a program of long-term commitment to these countries to assist them toward self-sustaining economic revival.

I believe we are at the 11th hour. Thus I welcomed President Reagan's Caribbean Basin Initiative announced at the Organization of American States last February 24.

The centerpiece of this program is free trade for Caribbean Basin products exported to the United States, the subject of this legislation considered today. To encourage investment in this region, the Congress has and will enact tax incentives. Technical assistance for exporting, as well as direct aid for economically hard-hit countries is also being provided.

To summarize, the U.S. policy is expressed by the President:

> If we do not act promptly and decisively in defense of freedom, new Cubas will arise from the ruins of today's conflicts. We will face more totalitarian regimes, more regimes tied militarily to the Soviet Union, more regimes exporting subversion, more regimes so incompetent yet so totalitarian that their citizens' only hope becomes that of one day migrating to other American nations as in recent years they have come to the U.S.

Mr. EVANS of Delaware. I thank the gentleman for his thoughtful remarks and for his leadership.

The symbolic importance of a democratic form of government succeeding where Marxism has failed is not only important to the Caribbean Basin, it is a positive signal throughout the world. Edward Seaga stands as a bastion of hope and freedom. Freedom, opportunity, and hope, not only in Jamaica but throughout the world. We should also take into consideration the fact that American jobs are at stake because 40 percent of our exports are to the Third World nations, and that is critically important to American jobs because every billion dollars of exports means about 40,000 American jobs, and the dignity and the self-esteem that a job brings.

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

Mr. EVANS of Delaware. I yield to the gentleman from California who has been a leader in the Caribbean Basin Initiative.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentleman on his statement, but most especially for his efforts on behalf of Jamaica.

I would agree with the gentleman that what happens in Jamaica is going to determine what happens in the Caribbean, also what happens in Puerto Rico and the Virgin Islands.

Again, I want to commend the gentleman and express publicly my appreciation for his efforts.

Mr. EVANS of Delaware. I thank the gentleman from California.

My colleagues and friends, I can guarantee one thing: All of these factors are being considered by our adversaries and our potential adversaries around the world. Maintaining strong bonds with the Caribbean Basin countries is not only vital to our national security, it is an integral part of our comprehensive program for the revitalization of the American economy. Support for the policies of the Caribbean Basin Initiative is critical to American security, to American jobs and the preservation of those essential freedoms that Americans have cherished for so many generations. I urge your support for this important legislation and your opposition to amendments which are inconsistent with its very purpose.

□ 1300

Mr. GIBBONS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. PICKLE).

Mr. PICKLE. Mr. Chairman, I rise in support of H.R. 7397. The Caribbean Basin Initiative is a long-overdue effort to develop viable economic relationships with those nations which form our third border, and with whom we are inextricably linked by strategic, economic, and humanitarian interests. Nearly half of all our foreign trade passes through the sealanes of the Caribbean Basin; the countries in the region serve as an important market for U.S. exports. Yet, the basin is cash poor, and it is the second largest source of illegal immigration to the United States. Our interests in this region are manifold, and it is in our best interest to take positive steps to insure the political and economic well-being of the region as a whole. We need to pass this positive trade initiative.

We have an opportunity today to positively influence the development of the Caribbean Basin countries—to take the lead with other developed countries of this hemisphere in stimulating production in the Caribbean Basin. The provisions included in this bill provide added impetus for these nations to actively pursue their own domestic goals of higher rates of employment, increased purchasing power, and improved standards of living for the inhabitants of the region. We have very little to lose through the passage of this initiative, and so much to gain. It is mandatory that we approve this measure, and we need to set this constructive process in motion now. We should not waste another day in coming to grips with the grave economic problems facing the Western Hemisphere. We should seize this opportunity, Mr. Chairman, to reach southward across the waters and lend our neighbors a helping hand. If we do not act, it will be a chance lost both for good will and for our own best national interest. My friend, the distinguished scholar, Walt W. Rostow—on the occasion of the Banking Congress

of Venezuela in Maracaibo, Venezuela, in July 1982—spoke of the harsh economic realities prohibiting growth and development in Latin America and the Caribbean. He spoke of the economic interdependence of the nations of the Western Hemisphere, and of the importance of achieving sustained economic growth as a necessary condition for healthy, viable, modern societies. Dr. Rostow stated:

> The domestic policies of the United States should be fashioned with sensitivity not merely to the needs of the American people but also to their impact on other regions. This is not merely a responsibility of good citizenship on this small, highly interdependent planet. It is a matter of U.S. national interest. A weakening of the fabric of economic and social life in developing regions due, in part, to protracted stagflation in the United States, can play back on the strategic interests of the United States in serious ways. To a degree, this has already happened with respect to the Caribbean and Central American countries.

The global recession facing the world is creating special havoc in the economies of the developing nations, and the damage is measurable in four important respects: a reduction in exports flowing from south to north; a reduction in the prices of those exports; increased pressure for protectionist measures in the north. And, finally—something which we are witnessing today—"a conflict between legitimate claims to deal with heightened social problems in the north and legitimate claims for development assistance in the south."

I propose, Mr. Chairman, that we respond to this legitimate call for assistance in the south; that we work with the countries in the Caribbean Basin region in coping with the situation in which we now find ourselves. It will require difficult steps, but it is urgent that the countries of this hemisphere come to a consensus on the longer run agenda which we face together. I urge my colleagues to support this bill.

Mr. CONABLE. Mr. Chairman, I yield 7 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I support the bill H.R. 7397, the Caribbean Basin Economic Recovery Act very strongly. This bill has been put forward by President Reagan as a part of his Caribbean Basin Initiative.

It is designed to provide opportunity for our southern neighbors in the Caribbean Basin to begin working their way out of terrible economic difficulties.

The Committee on Ways and Means, and its Subcommittee on Trade, has given very close consideration to this bill. It has had extended hearings and extended markup, and it has found the bill worthy of our support. I believe that the committee recommendation is a good one.

It will provide duty-free treatment for imports from beneficiary countries in that area and give the nations of that area hope for economic recovery.

But the United States too will be a beneficiary of this arrangement. As has been stated here before, the United States, if we exclude oil, has about a $2 billion trade surplus with the area. If this indeed is helpful in bolstering the economies of those nations, there will be greater U.S. investment which will result in the sale of U.S. goods, particularly basic goods, manufacturered goods. The United States will be the beneficiary of those sales.

Expanded trade with that region can only improve our export position. And so we have a chance here to be both humanitarian and self-interested. We can, in the words of one of our former Members, do well by doing good. It is an extraordinary opportunity which I hope the House will not want to pass up.

In fact, the bill does represent a very small portion of our total trade. And while there is some nervousness among distressed industries in this country, and employees in those distressed industries, it is my considered opinion and the opinion of most of the members of our committee that this bill poses no significant threat for any U.S. industry.

My colleagues should know that before the bill was presented by the President, the most important export that the Caribbean area could send to this country, textiles, was totally eliminated. In the committee we later eliminated footwear, leather goods, handbags, gloves, petroleum products.

Further, there will be a committee amendment today to eliminate tuna. There are existing global quotas on sugar. And so we have placed a large number of restrictions on this bill which we probably would not do other than in times of an extreme recession in our own country.

It has been said that those restrictions make this bill more symbol than substance. I do not think that is so. I think there is still substance that will give hope to the nations of the Caribbean Basin. But, if that is true, then there is no danger to U.S. industry.

In my judgment the danger is slight. The advantage of the Caribbean Basin Initiative far outweigh any dangers that might accrue to U.S. industries or U.S. employees.

In addition to those restrictions and exemptions, the bill provides significantly strict rules of origin, and requires a 35-percent value added provision for goods coming from that area.

The bill also prohibits preferential treatment for products which have undergone only simple combinations, dilutions, or packaging. We believe that that renders unnecessary the tobacco amendment which will be made later on.

In addition, we have taken extraordinary steps to subsidize and protect the Virgin Islands and Puerto Rico for their rum industry. When the rum amendment is proposed, and I hope it will be soundly defeated, my colleagues will come to see that we have lavished largesse on the Virgin Islands and on Puerto Rico. We have taken many measures and double dips and triple dips to protect the people of those areas against any kind of particular injury.

In addition, if anybody believes an industry is hurt, the International Trade Commission has to determine the impact of this duty-free trade when it investigates any allegations of injury. It must provide an annual report on how this works out.

There is an additional special protection for agricultural products which will get fast-track attention and emergency relief if the Secretary of Agriculture, not the ITC or the Trade Representative, determines that imports from the Caribbean are threatening the U.S. market.

Duties can be restored within 21 days.

I just run through this litany of special protection, restrictions, and exemptions to prove that this bill is not a threat to U.S. industry. We have taken, and the administration has taken, every conceivable means to make sure that U.S. industry is going to be protected, and yet, at the same time, leave a little hope, a little opportunity, and a little market access to people who are our neighbors, who are closely placed to us, and who are in economic distress at this time.

This is not going to guarantee recovery for the Caribbean Basin. Nevertheless, it is the very least we can do under the circumstances. We need stable governments; we need the exports in the area; and those facts are just as important to us in putting this package together as are our humanitarian instincts which tell us that we must give some assistance.

Another speaker has said it is a nice shift from cash foreign aid to market access. This country can much greater afford market access than it can cash contributions to these countries.

Mr. Chairman, this bill is a tiny, modest effort to support economic and political institutions in the Caribbean that are terribly important to the national security and the economic wellbeing of our country. It adequately protects U.S. industry. It should be passed by an overwhelming margin. I urge all my colleagues to vote yes on H.R. 7397.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas (Mr. ANTHONY).

Mr. ANTHONY. Mr. Chairman, I went with the Committee on Ways and Means to the Caribbean at the re-

quest of the President of the United States so we could see firsthand what the circumstances were, whether or not we could be convinced to support his Caribbean Basin Initiative.

I must admit at the outset that I went as a skeptic of the piece of legislation. But after having spent a hard-working week down there, talking to the various governmental officials, to private industry, and seeing firsthand, I was convinced and I came back as an enthusiastic supporter of this particular piece of legislation.

I became convinced to study in depth as much as I possibly could while I was down there and upon my return as much as I could about the rum situation.

What I would like to do for the membership is to review the bargaining, because at some point when the run amendment is offered I think it is important for us to have a historical perspective of how we came to where we are today.

The delegate from the Virgin Islands is genuine in his concern about an indigenous rum industry in the Virgin Islands. As a result, he did ask for the quota and he asked for the trigger. But if you take a look at what the administration did in order to be very sensitive to the needs of the American citizens, both in Puerto Rico and the Virgin Islands——

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

Mr. ANTHONY. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. The Virgin Islands is not a country. The Virgin Islands is a U.S. possession in the Caribbean.

Mr. ANTHONY. I stand corrected. I thank my friend from Puerto Rico for bringing that to my attention.

The circumstances simply are this.

There was an agreement negotiated without the consent of the other Caribbean countries. It was initialed by somebody in Ambassador Brock's office. These parties having not been present, I do not think can be held to that agreement.

The full Ways and Means Committee, which rejected the Jenkins amendment at that time, had an opportunity to hear Mr. Brock state that had he known some unknown facts at the time he would have taken a different position and taken a tougher stance. The unknown fact that was developed at that time was the fact that the Virgin Islands does subsidize its rum industry by guaranteeing that industry has to pay no more than 16 cents per gallon for its raw product of molasses. When you take a look at the fact that the rum market is growing extremely fast, in fact since 1974 it has grown at the rate of 126 percent, it is expected to double by 1985, and it is expected to triple by 1990, and then you take a look at the concessions that were made to Puerto Rico and the Virgin Islands, I would say, based on these two arguments, it would help to defeat the de Lugo amendment should it be offered.

I do have a factsheet I used in the Ways and Means Committee available at the desk. Section 210 increases to the Virgin Islands and Puerto Rico the revenues by transferring to their governments U.S. excise taxes collected on all rum imports. It is estimated over the next 5 years that would be some $117 million over and above that amount of money that is presently being transferred from our Treasury directly into their treasuries from rum imported into the United States from Puerto Rico and the Virgin Islands.

Mr. CONABLE. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, one of the early casualties of economically tough times is always the outward reach of foreign policy to lend a helping hand to less fortunate developing nations and in the process help our own economy through increased trade. The calls for protectionism and reductions in our foreign assistance programs heard so often lately on the floor of this house reflect this short-sighted mentality.

It is going to take a great deal of courage, then, Mr. Speaker, for the House to come to grips with its responsibility for looking outward, as well as inward, because, indeed, times are tough. But that courage is necessary because President Reagan has made a promise to our neighbors immediately to the south that we will initiate a program to deal with the conditions of poverty and want that plague nations attempting to establish democratic institutions and to throw off the twin yokes of military dictatorships and Communist oppression—obviously fashioned from the same material—that are either well-worn patterns or new ones, and in either case threaten the yearning of the common man everywhere for freedom and the opportunity for a better life.

The Caribbean Basin Initiative is a modest promise by the United States to open the doors to two-way trade and to help stimulate capital formation and the beginnings of free enterprise, which, alone, holds promise for a brighter economic future for the people of the region. Mr. Speaker, the Communist system is an economic failure and always will be, but where we fail to offer any alternative, it will be sought as a means to economic development. Our responsibility is to reach out and offer the opportunities to succeed. We offer not gifts, but incentives to make economic progress based on freedom of opportunity.

The voices of protectionism for one American industry or another have been heard over and over again in this Chamber. The appeal is obvious and pushes us once again to examine our motivations. If I did not believe that this initiative contained more advantage for our country than any other, I could not support it. Of course we can protect American industries from foreign competition. But we will pay a price for it. In the long term, international competition will work to our advantage, and we will be trade victors and not losers. In the short term, it takes courage to make the investment.

America cannot be seen as reneging on this small promise by our President to make this investment in the Caribbean, to reach out to help our near neighbors and, in the process, to thwart Communist incursions on our very doorstep. A vote in support of the CBI will not only gain credibility for our country, it will ultimately directly benefit American workers and create jobs and will help to carve away the threat nearby to those principles of freedom and opportunity you and I believe in the desire for all the world's peoples.

□ 1315

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, I rise in opposition to this legislation.

I have consistently throughout my career in Congress been criticized by my constituents in my district for supporting foreign aid, but I did that only because I recognized that this is one world and we have got to help each other.

I am disturbed by this legislation in several respects. It seems to me that someone said on the floor that one of the prime motivations behind this legislation is to insure that the kinds of governments we want are established in the Caribbean. I am not at all sure that this legislaiton will do it. We are using the CIA in certain parts of South America to guarantee a particular form of government or overthrow another form of government and now, with this is the economic approach, to try to determine the destiny of a region and I do not think it is going to work.

The other concerns I have are what guarantees do we have that the nations in the Caribbean Basin are going to pay a reasonable living wage to the workers? None whatsoever, no guarantee.

Put it another way, what guarantees do we have that there will not be an exploitation of workers in the Caribbean Basin? Nothing in this legislation addresses that issue.

What guarantees do we have that major American corporations will not establish their own factories, their own industrial plants in those parts of

the world? There is nothing in the legislation that prevents that.

My city of Baltimore used to produce shoes for the world. We no longer do that because the giant corporations have moved their factories overseas. My city of Baltimore used to produce shorts and wearing apparel. We no longer do that because giant corporations have removed their factories to overseas and my people are out of work.

I would suggest that during the debate on the domestic content legislation, someone raised the issue of whether or not we should live up to our promises, our treaties, and I suggest that a violation, a suspension under the GATT arrangement is, indeed, not living up to a promise, not living up to a treaty.

For these and many, many other reasons, I think this legislation should be defeated and I think we will regret it 10 years from now or 12 years from now if we vote for it.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

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

The majority leader spoke most eloquently of the person that he and the gentleman from New Jersey (Mr. HOWARD) met, who was wearing the Kennedy half dollar as a medallion; but let me talk to you about the tarnished reverse side of that coin.

I lived in the Caribbean for 3½ years. I taught language in Haiti, traveled through that country. I learned the language of the people, Creole, which helped me to gain an insight into their culture, and I saw the wretched poverty in which the people live in that country. At the time that I lived there, the minimum wage was 75 cents a day and today it is $3 a day and very few people pay it.

Women are sewing baseballs in Haiti to be sold in the United States, for a wage of $3 a day—the legal minimum wage—and are probably being paid less than that amount.

Does anyone realistically think that this legislation is going to raise the standard of living for those wretchedly impoverished people? They do not have adequate roads to move their goods to market. Instead, they get up at 3 o'clock in the morning to walk 10 or 15 miles to market through the mountains, carrying baskets of vegetables or fruit on their head only to have most of what they earn taken away by the government tax collector.

I have seen poverty, abject poverty in Haiti, worse than anything you can imagine in this country. This legislation is not going to cure it, because I will tell you what will happen. An entrepreneur, of American or other nationality will come in there and the director of the government tax authority in Haiti, will exact and take a payoff. the entrepreneur will build a little plant or, more likely, move into an existing wretched cinderblock building and there will be not protection for working conditions, health standards, or safety for workers, on reasonable wage levels, or retirement. They will continue to work in the same wretched proverty. The CBI will provide entry to the United States for goods produced under those abysmal conditions to compete with domestic goods and displace American workers but will do nothing to improve the quality of living in Haita or other countries.

Mr. Chairman, I rise to express again my opposition to H.R. 7397, the Caribbean Basin Initiative legislation.

I speak not only as a Member of the House deeply concerned about the effect of this legislation on our American economy, but also as a Member of Congress who cares about the peoples of the Caribbean.

I do not speak, however, as a doomsayer exaggerating the impact of the unilateral trade preferences provided in this legislation for most of the nations of the Caribbean Basin.

It would be unfortunate if the Congress were to rush this legislation through in the final days of the 97th Congress. Prior to the postelection session, most of my colleagues believed that further consideration of the Caribbean Basin legislation would await the 98th Congress. Unfortunately, this legislation has been brought to the floor rather quickly and under conditions which do not permit adequate debate.

The objective of strengthening the economies of the Caribbean nations is a lofty goal. The goal of the CBI is to raise the standard of living for millions of desperately poor people while also improving their position as trading partners with the United States in opening markets for U.S. exports.

I already mentioned my experience in Haiti, the most desperately poor of poor nations in the region. The average wage there now is $2.66 a day.

The overwhelming majority of the peoples of the Caribbean nations have been the victims of at best, poor and inefficient governments; at worst, oppressive, unresponsive, plutocratic regimes.

The United States must be a better neighbor than it has been. That is why I have been deeply opposed to increasing U.S. military aid to the nations of the basin. Rather, I have supported attempts to increase economic development assistance to all the nations of the Caribbean, not just those nations with the greatest commitment to rightwing anticommunism.

While the stated objectives of the Caribbean Basin Initiative are sound, H.R. 7397 is not.

With domestic unemployment at a 42-year record, I find it extremely unfortunate that the House may be called upon to consider the Caribbean Basin Economic Recovery Act. This legislation creates incentive for U.S. domestic manufacturers to abandon the United States and locate in the nations of the Caribbean with cheap labor markets. This legislation would encourage further the export of jobs to areas where the workers are unprotected by health and safety laws, or by wage and hour standards. It offers official sanction for multinational corporations to take advantage of labor practices and worker oppression which we in the United States have long abjured.

I am particularly disturbed about the provision of this legislation which would allow multinational corporations to export products to the United States tariff free if only 35 percent of the product has originated in the Caribbean Basin. Sixty-five percent could originate anywhere in the world, including the Soviet Union.

This legislation does not mandate minimum labor standards—and I am not talking about standards that we would accept in this country, but standards which must set the Caribbean on a course of economic progress for all of the Caribbean peoples, not the plutocrats and the multinationals.

This legislation will not stimulate a higher standard of living for the Caribbean people. It will not insure increased training and education for these people.

What it will insure, however, is the loss of American jobs and the reaping of huge profits by fast-buck operators. It is inconceivable to me that this House is considering, let alone may pass, this legislation when, in the few hours remaining to us in the 97th Congress, we should be considering and passing legislation to stimulate employment and economic recovery in the United States. Passage of the CBI would be appropriate if our goal were to throw Americans out of work.

If the House passes this bill, it should not do so under the illusion that it will help the American worker, or that it will relieve the misery of the overwhelming majority of the Caribbean people.

Finally, a tax provision was added to this legislation in full committee which I find absolutely unsupportable. H.R. 7397 amends the Internal Revenue Code to permit deduction of business convention expenses in countries throughout the Caribbean. This provision is a subsidy of winter vacations for new wealthy. It does nothing to encourage diversification of Caribbean countries, but further encourages dependence on tourism.

My very strong feeling is that if American convention goers wish to convention outside of the United

States, they should do so without taxpayer subsidies.

The economic injustice that will be created by this legislation both here and in the Caribbean will haunt us for many years to come. A decade from now we will still be regretting the CBI.

I urge defeat of H.R. 7397.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. DOWNEY).

Mr. DOWNEY. Mr. Chairman, I serve on the Trade Subcommittee and voted against this legislation when it passed through the subcommittee. I did so primarily because my friends from Labor had done a fairly convincing job at the time of telling me how disastrous this legislation would be to domestic markets here.

I then went on the trip and decided that it was important to do some research on my own. I am quite thoroughly convinced that the impact this legislation will have on American jobs is very, very small, and probably over the next few years will be a positive development.

So, I think it is important for us to carefully scrutinize what the domestic impact of this legislation will have on our country. I happen to think it will be positive.

I think there is another reason that we need to examine this legislation carefully. The first point that has been made over and over again is that this legislation is not going to cure poverty in Haiti. Nothing we could do would be able to do that, frankly; but the history of our Government's relations with Caribbean and American states has been pretty sorry. We have run the gamut from neglect to sending in the Marines. I mean, the Marines have spent more time in Haiti than a lot of other countries in the world. As recently as 1965 we sent them to the Dominican Republic.

This is a middle ground, in my opinion, and I hope some of my progressive friends will examine it in this way, between sending in arms to El Salvador and to Honduras and doing nothing. This is an attempt to provide these people a small, a very small tool to help themselves. This one-way free-trade zone is not going to take away shirt jobs in America, such as there exist, or shoe jobs. I might add to my friend, the gentleman from Maryland, both textiles and shoes have been exempt from this legislation.

This is going to create some small, light manufacturing jobs. This is going to provide some of these countries with economies of scale so that they might be able to do some work and provide markets for their goods without hurting American markets.

The gentleman from Florida (Mr. GIBBONS) gave a very eloquent speech when we were there. He went into one of the small factories and saw that every element of the factories in a place like Jamaica or Barbados were made from American goods. The machines were American.

So I think that we need to examine this in two ways: First, jobs will not be hurt in America; and second, this is a middle ground between gross foreign aid and sending in the Marines and I think it should be viewed in that sense.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from American Samoa (Mr. SUNIA).

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

Mr. Chairman, I am sure we have heard enough about tuna over the last couple hours of this debate, all of which is true. I represent the only community in this Nation which depends entirely—and I repeat, entirely—on the canning of tuna.

I commend the chairman and the members of the committee for their understanding of this concern and for agreeing to the exclusion of tuna canning.

I appreciate also the support and the comments of my colleagues on this particular issue.

With that, I hope this resolution, this legislation, will progress to a successful conclusion. I hope that next year it will be a Pacific initiative that we will be debating in this very Chamber.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. ECKART).

Mr. ECKART. Mr. Chairman, I thank the chairman of the Ways and Means Committee for his generous extension of time on such short notice.

I was distressed when I read the Washington Post this morning which said, "President sharply assails Democratic jobs proposal."

At a time when the President refuses to come to grips with the highest levels of unemployment in the last 40 years in this country, he now asks us to support legislation which will export jobs from the United States. Such inconsistency is inconceivable.

He will not even support $1 billion to help Americans in America but he asks us to send $1.3 billion of our taxpayers dollars to help the people of the Caribbean. I believe that charity begins at home.

I submit to the members of this committee that in 1 week you will have the opportunity to compile the worst record of dealing with unemployment since the time of the Great Depression. Vote against the jobs bill on Monday; vote against the content bill on Wednesday and vote for the Caribbean Basin Initiative on Friday, and you will have thumbed your nose at 12 million of the unemployed in this country.

Contrary to the information circulating on this floor, both the President and the Ways and Means Committee reports clearly state that currently 87 percent of the imports from the Caribbean enter this country duty free. What more do they want?

The adoption of this legislation will export jobs, encourage multinational corporations to locate in the Caribbean where they can take advantage of cheap labor markets where workers are not protected by health and safety and child labor laws, and provide an incentive to other U.S. firms to develop tomorrow's products elsewhere.

This bill is a slap in the face to America's unemployed workers.

Reject the bill. Send it back to that committee which I believe if given more time could do a much more fair job relative to the needs of the unemployed. Give the unemployed some hope. Give the people of this country an opportunity and let us truly deal with the real economic needs of revitalizing our economy.

This lameduck session should be concentrating on solving our problems here at home.

Defeat this bill; 12 million unemployed Americans will thank you for it.

Mr. CONABLE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. ERDAHL).

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

Mr. Chairman, this is an important piece of legislation; one that merits our support. I share the concern expressed and am sensitive to the high unemployment in our country today.

But, voting against this bill is not going to provide jobs in the United States. This bill is a very modest attempt to see that we have some extension of aid and trade to, and with, this most important part of our hemisphere.

In so doing, we not only give this—and again I stress, rather modest assistance and new opportunity to some people in the Caribbean Basin, we also ultimately create new jobs in our own society.

There is a mood in this country to isolate and insulate ourselves from the rest of the world. This is something we cannot nor should we do.

I think again that this administration, and those of supporting the CBI, are moving in a proper direction for increased stability in this hemisphere.

I hope that in spite of the temptation that some might have to vote against this bill, we will look at the long range picture and support this measure.

I thank the gentleman for yielding.

□ 1330

The CHAIRMAN. The time of the gentleman has expired.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. GIBBONS).

Mr. GIBBONS. I thank the gentleman for yielding this time to me.

Mr. Chairman, as the gentleman from Minnesota (Mr. OBERSTAR), correctly pointed out, Haiti is the pits. Do not worry about those baseballs; they are excluded under this legislation.

Mr. Chairman, we hear about this being the President's Caribbean Basin Initiative, and somehow it gets a possessive sound. Really, this is the Presidents' Caribbean Basin Initiative, Presidents in the plural. A Republican President who many have disagreed with on the jobs bill, who the majority leader spoke so eloquently about this morning, asking us to rise above that kind of partisanship, the President submitted it.

As I pointed out a little earlier, this was actually begun, the details of putting this whole plan together, under President Carter. President Carter and the Canadians and the Venezuelans and the Colombians met at the highest level in the Bahamas and started putting together the outlines of this bill, and much of the work done on it was during the Carter administration.

President Johnson allowed me to go on the first trip I ever made outside of this country as a Member of Congress to go look at the Caribbean. He was deeply interested in it and talked to us earnestly about it at the same time we were handling his own domestic Economic Opportunity Act.

As some of my colleagues may remember, I handled the Economic Opportunity Act for him on the floor here in Congress. But the Vietnam war cut him down on his Economic Opportunity Act, and finally cut him down politically.

It was President Kennedy in this whole line of Presidents who began this idea in his Alliance for Progress, and he talked eloquently and planned greatly and captured the imagination of Americans in the United States, Americans throughout the Americas on the Alliance for Progress. But unfortunately, an assassin's bullet cut him down and the program failed, failed to ever really get a substantial start.

The area to the south of us is important to us because it is full of human beings, human beings who, "but for the grace of God, there go I." Many live on small islands, in countries in which, because of geography, there is little chance to succeed. They ask not for aid or arms; they ask for opportunity. They ask no great exemptions from our laws.

The CHAIRMAN. The time of the gentleman from Florida (Mr. GIBBONS) has expired.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. PATTERSON).

Mr. PATTERSON. I thank the gentleman for yielding the time to me.

● Mr. Chairman, I am in a great quandry about the pending Caribbean Basin Initiative tax and trade provisions. Consistent with my philosophy about international development and the benefits it eventually brings to the American worker through exports of U.S. products and enhanced availability of raw materials we need, I would tend to vote for a measure like this. But when I opened the paper this morning, I saw that the President has taken another intransigent position against jobs for American workers. He has indicated not only that he thinks the House jobs bill is a bad bill—an opinion with which I wholeheartedly disagee), but that even the Senate version, a much narrower and less costly version, is a bad bill and he is going to veto it if it gets to his desk even if it means stopping the Government of the United States of America.

Who does he think he is?

I have to believe that if he really wanted this bill—which I was prepared to vote for when I got up this morning—that he would not be so intransigent with this body. I am going to have to seriously reconsider my position on the CBI, because it is clear that the President will not seriously reconsider his position on the jobs bill. It is clear that the President sees this as a one-way street, that his perception is not that the executive and legislative are coequal branches of Government seeking to compromise for the good of our people. His perception seems to be that the role of this body is do what he commands and nothing but what he commands. I do not know how long I can keep taking tough votes for the administration's proposals—even the good ones—when the President cannot seem to hear what this body is saying about the truly desperate plight of the unemployed people in our country.

Unemployment is at its highest level in over 40 years. Our program is not a "pretext" as the President termed it. It is a jobs program—a program to put dads and moms back to work, back to using their pay envelopes to buy food instead of having to use food stamps, back to feeling like contributors instead of charity cases. If the President is worried about the deficit, he has picked some poor ways of showing it. His budget requests contain larger deficits than those of any other President in history. Unemployed people draw benefits from the Treasury and do not pay taxes—how does he think that increasing the number of unemployed will help balance the budget?

The President's sentiments about improving the economic prospects of the unemployed and underemployed people of the Caribbean nations and of the Central American countries included in the legislation are appreciated. I just wish that he felt the same way about the people of the United States. The President has taken an irresponsible position on the jobs bill. He has again shown his gross insensitivity to the plight of our own domestic unemployed.

I have received more phone calls from the administration on this bill than I can remember receiving on much more significant matters. The symbolic value of this legislation to the President is obviously very high. And this is very modest legislation, composed more of symbol than substance. The symbolism worries me, too. I fear that this will be unfairly cited as evidence of congressional support for the President's rather peculiar and dangerous worldview. I want to make it clear that passage of this bill should not be seen as support for the President's overall policies in this area. Indeed, the President's policies in Latin America have little support in this body and even less support among the American people. This is not a great bill, but it is the best thing the administration has put forth on Latin America.

Mr. Chairman, the President wants this bill, but opposes job-generating bills for our own people. He cannot continue to have it both ways.

The CHAIRMAN. The time of the gentleman from California (Mr. PATTERSON) has expired.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CROCKETT).

● Mr. GAYDOS. Mr. Chairman, this bill is meant to purchase peace or buy off a possible hot war. To do this, it encourages escalation of the trade war that is destroying the economy and the industrial base of the United States.

In fact, it would give the practitioners of trade war—the developers of samurai economics and blitzkrieg economics—a protected and duty-free staging area through which to pump subsidized and dumped goods.

This is the likely result of the one-way trade provision.

I ask the House to examine the proposition with me.

Trinidad and Tobago is a Caribbean nation, a beneficiary of the bill. The Government likes the idea of exporting to pump up the economy, likes the idea of having workers in industrial jobs for political reasons.

So Trinidad and Tobago has a new wire rod mill that expects to export up to 300,000 tons a year.

Under the rules of our free enterprise economics and the principle of comparative advantage and even the laws of nature, there is no reason for a wire rod mill there. There is no more reason for it than there is for a coconut plantation at Pittsburgh. The idea offends all known rules and princi-

ples—except those of samurai and blitzkrieg economics.

Yet there is a 300,000-ton mill there. It is there because the Government wants it. And it will remain there even if it loses money, lots of money.

If they sell a lot, they will expand, duty free. Other Caribbean nations will know a good thing and seek similar development. They may even do it in connivance with the trade warriors whose dumped and subsidized goods are now being subjected to the discipline of our trade laws and their international agreements. This bill could make the Caribbean a conduit for such goods.

There is a second possibility too. Further south, Brazil is expanding its Government-owned iron-ore mining operations. It is expanding with a $70 million loan from the Export Import Bank of the United States.

This loan was granted even though there is a world oversupply, even though Congressman OBERSTAR's Minnesota ore miners have truly awful unemployment rates.

You see, Brazil—which was named in recent steel subsidy cases—has an admitted policy of exporting as much of everything as it can and taking in as little as possible. They have mastered this idea of one-way trade.

Nevertheless, this bill invites alliance between Brazil and some Caribbean or Central American neighbor—encourages an arrangement whereby Brazilian product goes to the Caribbean to get some domestic content so it can come here absolutely duty free.

I cannot begin to guess what range of goods might come in—I do know they will be goods that are made by Americans or that used to be made by Americans.

Even supporters acknowledge, as the Washington Post did in a recent editorial, that:

> Most of the imports due to be so favored are in industries that the Caribbean countries haven't even established yet.

The range of goods will be broad and deep, and they will establish them in the most profitable industries we can afford.

This bill condenses into one generous proposal all the misconceived and failed efforts of the last 40 years; it consolidates all the schemes to pull up the world by the bootstraps of U.S. workers and to purchase temporary peace with their jobs.

It is the kind of thing George Washington had in mind with the warning in his farewell address, the address that is read every year to Congress.

Washington said, "the great rule or conduct for us in regard to foreign nations is, in extending our commercial relations, to have as little political connection as possible."

It puts us in what Washington saw as the position of "being reproached with ingratitude for not giving more."

This is the kind of generosity that never works, the generosity of which Machiavelli said, "there is nothing that uses itself up faster—as you employ it, you lose the means of employing it. You become either poor or despised * * *"

There is much wrong with this bill.

If it had to do with domestic matters rather than attempting to buy peace, it would amount to the creation of an expensive new entitlement.

It gives these nations virtually the same rights in the commerce of the United States as the Constitution grants to the various States.

Furthermore, it encourages the flow of U.S. capital and jobs to the Caribbean.

The only growth it will create is in the $44 billion trade deficit; and it may help push the unemployment rate above 11 percent.

I am sensitive to the condition of the Caribbean nations and to what is happening in Central America. But the past 40 years have shown that peace and stability cannot be purchased with American jobs. And to act now on this bill in this hurried fashion will be only to prove once again that it cannot be done.

To close, I would like to give the House a point of reference by citing a proverb that I have imported from Colombia, a nation of the Caribbean but not a primary beneficiary of the bill.

In Colombia they say, "he who gives all that he has soon teaches himself to beg."●

Mrs. HECKLER. Mr. Chairman, I rise in support of the Caribbean Basin Initiative, and hope that it will receive the overwhelming endorsement of this body.

The district I have had the honor to represent for the past 16 years has had a great deal of experience with imports, and it has not been a good one for the most part. Countless jobs have been lost over the years due to textile and apparel imports, chiefly from countries that supply extremely low wage, low skill labor. Naturally, I was quite wary about the possible effects this bill may have on jobs and businesses in my district and across the country.

I believe, however, that the Committee on Ways and Means and the Special Trade Representative have crafted a bill that allows the United States to enhance the overall economic climate of our region, while at the same time maintaining safeguards for our own industries. The money invested in the beneficiary countries will not be "hit-and-run" payoffs for cheap labor; this bill encourages and will foster the continued and evolving presence of significant capital in the region. That can only serve to benefit this Nation.

I was particularly concerned, however, with the bill's impact on the expanding high technology industry, that it would lead to erosion of this vital sector of our economy.

That will not happen. The rapid pace of technological advancement in this industry precludes dominance by a low-skilled labor force. There are few jobs in the high tech industry that do not require highly developed skills and abilities, and the percentage of these jobs is diminishing. In addition, the labor costs in the Caribbean region are insufficient to meet the 35-percent requirement, so the job loss will be minimal.

Mr. Chairman, I believe it was Marshall McLuhan who once said that "politics offers yesterday's answers to today's problems." This bill is today's answer to today's problems, and I strongly urge it adoption.

● Mr. APPLEGATE. Mr. Chairman, rather than discussing the CBI, which is, of course, short for Caribbean Basin Initative, we should be talking about an Ohio River Valley basin initiative, or a Pennsylvania basin initiative or how about a much-needed Northeast-Midwest industrial basin initiative; but we are not. Instead the President wants to send $4½ billion to the Caribbean area to help this part of the world rebuild and put people there to work. I would like to remind the President that we have 15 million people in the United States that have been put out of work—6 million of which lost their jobs since he was inaugurated just 23 months ago—and that is a record.

I am not advocating the segregation of the United States from the rest of the world, but rather, the creation of a relationship with other nations which is based on fairness and equality. The Caribbean Basin Initiative is, in part, a trade matter as well as an economic program and foreign aid initiative. Because of these overlappings, there are many domestic considerations that must be taken into account as well; and the unemployment factor I mentioned a minute ago is one such consideration.

The President's CBI program is a jobs program for that part of the world; but yet he refuses to accept such a program for American workers, as is evidenced by his opposition to any such program that has recently been proposed and incorporated in the continuing resolution bill. I share the American people's confusion with his reasoning. I believe our resources should be used to put America back to work. Our programs should be aimed at getting our own house in order and taking care of our own ills first. How can a sick doctor attend to an even sicker patient?

Our financial resources are in obvious short supply which is all the more reason why this CBI program is not in our best interest at this time. This raises the question as to why our fi-

nances are limited. The President says this is the fault of the Democrats' wild and free spending policies for 40 years that have created inefficient and costly progress. While the President may say this and even believe it, the facts simply do not support such illogical reasoning.

The President cannot blame the biggest deficits in history on the Democrats. After all, he insisted on the 3-year tax cut program and increased spending program that caused and got them. The $300 billion that these have added to the Federal deficit in 2 years is unbelievable. This 2-year experiment in record deficits has had a most devastating effect on the Nation's economy and has done more to retard growth and send unemployment rates skyrocketing than anything else. And keep in mind that for every 1 percent of unemployment the Federal Government loses nearly $25 billion in lost revenues and increased benefit payments.

Programs such as the CBI might be more palatable if there were initiatives within the United States that would help our people. Such a program might be one that establishes an equitable and fair trade policy which also instills competition. This is not as difficult to achieve as one might be lead to believe. The White House and far too many in Congress who consider themselves free traders are strangling the unemployed. To hold to this free trade belief is nothing more than philosophical nonsense. This Nation never dealt in free trade. Our doors were open 35 years ago, yet—but no one had producets to compete with American industry then. We had our hands around these foregign nation's throats and gave them what we expected them to buy. But these nations learned, with our expertise and money, and now they are strangling us. We are ignoring the American worker in favor of foreign countries and their workers and this is absurd.

The CBI proposal that we are considering today does not lend itself in any way to resolving our problems at home. In fact, it only exacerbates these problems. This will amount to nothing more than another giveaway and like others, we will never know if the money is properly being spent.

I oppose this bill in the name of fairness to the American worker, his family, and to their desire for prosperity.●

● Mr. DIXON. Mr. Chairman, more than most Members, I have been supportive with respect to international development and U.S. foreign assistance programs.

To this end, I have advocated a more equitable distribution of these resources to respond to the tremendous needs of Africa and the Caribbean.

When the Caribbean Basin Initiative was first proposed, it was argued that economic assistance should more reasonably be shared with the eastern Caribbean, Haiti, and Jamaica, and some changes were made.

With respect to the trade provisions of H.R. 7397, that are today before the House, I recognize that efforts to open our markets to the Caribbean will expand the economic capacity of a region whose largest trading partner is the United States.

It can be argued that these provisions could help to create jobs related to this trade in the United States, as well as boost export earnings for the Caribbean and Central America.

Yet this legislation comes from a President who has shown callous disregard for the problems of poor and minority Americans, or the needs of our communities for expanded employment and economic growth.

President Reagan has been intransigent about our demands that the Federal Government must act to stimulate productive employment through the public sector. In the face of the highest unemployment since the Depression, he refuses to acknowledge that Government has any role in ending the nightmare of joblessness in black America.

As much as we might want to help the Caribbean region overcome its economic hardships, I simply cannot vote for the President's bill. He has shown no willingness to compromise with Congress, or the American people to put this country back to work.

In light of this, it would be irresponsible for a Representative of those hit hardest by the current economic situation to support a measure which conceivably could worsen our problem of unemployment.

To our brothers and sisters in the Caribbean, I ask that you understand this vote is not intended to deter your progress. The time is simply not right, and this President does not merit our support.

I would hope that following the resolution of our concerns about domestic economic concerns next session, that we might again look to initiatives to bring economic cooperation and growth between our Nation and those of the Caribbean region.●

● Mrs. SCHNEIDER. Mr. Chairman, I rise in support of H.R. 7397, the Caribbean Basin Initiative Recovery Act. This legislation provides an excellent opportunity for the United States to extend, as a peaceful gesture, a willingness to expand trade relationships with our Caribbean neighbors. For those who depict the initiative as harmful to the economy of America, I ask that they take a closer look. As it stands, the United States enjoys nearly a $2 billion trade surplus with the Caribbean region, which translates into over 130,000 jobs for Americans. In addition, the Caribbean Basin Initiative will affect only 10 percent of all Caribbean imports—totaling $9.9 billion. The remaining 90 percent will be exempt from duty-free treatment under CBI such as is textiles, petroleum, leather or footwear or has received duty-free status under the guaranteed system of preferences (GSP). The Caribbean Basin Initiative, then, is designed, not to supersede American exports, but rather, to assist our allies in gaining economic self-sufficiency.

It is important, however, that in this period of high unemployment, the Caribbean Basin Initiative in no way jeopardizes a single American industry's rate of production. While we seek the opportunity to facilitate the economic expansion of the Caribbean, we in no way are condoing the exportation of American jobs. For this reason, I am supporting two amendments, both of which are critical to industries here in the United States. The Gephardt amendment, which seeks to exclude the tuna industry from duty-free status, is necessary and has my full support due to the labor-intensive and highly mobile nature of the industry. We must preserve the nearly 50,000 American jobs that are associated with the tuna industry here in the States. I also favor the de Lugo amendment which would establish a duty-free tariff quota on imports of rum. This is also critical to the economic health of our own Nation—in particular, the Virgin Islands and Puerto Rico. We must pay careful attention to our Nation's economic climate, while simultaneously improving the Caribbean's industrial base.

While there are provisions in the bill which provide import relief to domestic industries which have been detrimentally affected by the Caribbean Basin Initiative, I ask that the Ways and Means Trade and Oversight Subcommittee pay close attention to the bill's ramifications on American jobs. Should there be any adverse effects suffered by American industries, they should be carefully documented and rectified by Congress.

I ask, then, that my colleagues join me in support of this important foreign policy initiative in order that we promote the economic development of our 28 neighboring Caribbean nations, while we preserve our own economic vitality.●

● Mr. GUNDERSON. Mr. Chairman, later today I will support the Hopkins amendment to H.R. 7397, the Caribbean Basin Initiative, that would add tobacco to the list of products that would be prohibited from entering the United States duty free.

Sales of cigar leaf and filler tobacco grown in my district are off by 25 percent from a year ago while sales of chewing tobacco are off by only 4 percent. Other producers of cigar leaf and filler tobacco across the country are experiencing similar declines in sales.

Clearly, manufacturers are substituting cheap imports for our domestic tobacco products. And this not only injures our domestic cigar leaf and filler producing industry, but the effectiveness of our tobacco support program as well since large quantities of domestic tobacco have to be put under loan.

Mr. Chairman, to permit Caribbean-grown tobacco to enter the United States duty free at this time would only exacerbate the current surplus production and depressed price problems facing our tobacco producers.

I, therefore, urge my colleagues to join me in supporting the Hopkins amendment to the Caribbean Basin Initiative.●

● Mr. AKAKA. Mr. Chairman, I rise in opposition to the Caribbean Basin Initiative If the intent of this legislation is to promote fair trade between this country and our neighbors in the Caribbean Basin, it fails miserably. We are asked to compete with producers whose labor, land, and raw material costs are much lower than ours. Countries of the Caribbean Basin can certainly produce materials and products at a far lower cost. This competition is blatantly unfair to our own producers—American industries right here in this country.

And, should this bill become law, who will suffer? Certainly not the nations of the Caribbean Basin. American business will suffer. American workers will suffer. And our economy will falter even more. Can we, in all good faith, say that now is the time to place this extra hardship on our workers? Can we, in all good faith, say to American industry that we need to give nations of the Caribbean a competitive edge in trade with our Nation? Can we, in all good faith, sacrifice the interests of our people and our industries on the altar of political expediency? Should the interests of American industry be no more than a bargaining chip in our foreign policy battles?

The answer to each of these questions is no. We cannot, and should not, ask American workers and businesses to shoulder the unfair and weighty burdens that passage of this legislation will impose.

While I share the concerns expressed by the current administration about the economic and political problems of the Caribbean region, I think our President fails to recognize the effect that this program would have upon our ailing farm economy. Farms in America are facing the worst economic crises since the Great Depression. This legislation would result in a substantial loss of jobs in the farm sector, as well as substantial losses for industries that support the farm sector.

The State of Hawaii will be particularly hard hit. Despite efforts to achieve cost savings during its current economic crisis, the sugarcane industry in Hawaii has suffered three consecutive years of losses. In 1981 alone, these losses amounted to $83 million. Our State is the most efficient sugar-producing State in the United States, and is far more efficient than most producing areas throughout the world. Despite this, we are unable to turn a profit. This is due to the stiff competition from Caribbean producers.

In addition, I must point out that whatever benefits will accrue to the sugar-producing industry in the Caribbean will go to the multinational corporations that own and manage sugar plantations in the region. While these companies turn a profit, many of the peasants-farmers they employ live in near poverty. Nothing in this legislation will improve the well-being of the poor living in the nations affected by this legislation.

Mr. Chairman, recent events that have occurred in my State are an indication of what may possibly happen to other elements of the farm community if this legislation is enacted.

On January 7, 1982, the Puna Sugar Co. announced it was going out of business. Puna employs 500 workers that produce 7 percent of the State's sugar.

On February 20, 1982, Molokai Sugar Co. announced that 8,000 acres were going out of production. This represents another 4 percent of our sugarcane acreage. The effect of these cutbacks will cause major shifts in our agricultural production.

Sugar is by far the largest crop. Over 217,000 acres of sugarcane was harvested in Hawaii last year. Sugar producers that are maintaining their acreage have been forced into cutbacks of another kind. In fact, our largest sugar producer furloughed 25 workers beginning March 15. Alexander Baldwin recently announced a total furlough of 1,500 of its workers. This amounts to over half of the sugar workers in my State.

The situation of the other important crops our State produces is much the same. Take pineapple for example. Due to foreign competition in the early 1970's, Hawaii's formerly strong position in the world pineapple market was seriously eroded. Hawaii produces the finest pineapple in the world. Despite this advantage, however, we are simply not able to compete with the low-cost labor in other areas of production. As a result, there has been a steady cut back in pineapple operations in Hawaii. Just last month, Del Monte announced the closing of the Molokai pineapple plantation and the Oahu cannery. Today, pineapple acreage is only half of what it was in 1972. Clearly, this is due to a near doubling of pineapple imports over the last 10 years. Low cost foreign competition is to blame.

Other important crops will likewise be affected. Papaya, sweet ginger, flowers and ornamentals are our important growth areas. This legislation will be a clear signal to countries in the Caribbean region that they can now gear up to flood the market with low-cost production. My colleagues, we cannot allow this to happen.

Finally, I am opposed to H.R. 7397 because of a provision which gives special tax treatment to U.S. conventions held in Caribbean countries. The objective is to encourage the growth of the tourism industry in these countries. I do not dispute that the tourism industry can provide significant economic benefits to Caribbean countries. I want to point out that tourism is also a major industry in the United States. The tourism industry generates 4.3 million jobs, almost 5 percent of American jobs in 1980. According to a recent publication of the U.S. Travel Data Center, the "travel dollar generated 16 cents in tax revenue for Federal, State, and local governments." How much of that travel revenue will be lost to oiur country's Government under the terms of this bill?

In 1980, Americans themselves spent $157 billion while traveling within the United States, up 11 percent from the previous year. How many travel dollars will be lured away from the U.S. travel business as a result of the Caribbean Basin Initiative?

The biggest growth area within the travel industry is in convention business. Nearly every State in the Union has several destinations which actively pursue lucrative convention business. Municipalities and States have spent millions of dollars in building up their infrastructure to increase the attractiveness of their cities as convention sites. How can we now grant a special tax benefit which will surely attract convention business away from these local sites?

The U.S. tourism industry is already suffering. I cannot in good conscience support a provision that adds another burden to an industry that is struggling, an industry dominated in large part by small business.

I urge my colleagues to consider the questions I have posed and to vote against the Caribbean Basin Initiative.●

Mr. PANETTA. Mr. Chairman, all of us here approach our jobs as Congressmen with two salient responsibilities clearly in mind: The responsibility to be statesmen in taking a broad view of the international impact of our policies in terms of this country's interests. And the equally important responsibility to serve the concerns of our constituents; to represent their particular needs and their livelihoods. As elected Representatives to the Congress, we are the only ones who are in the position to do so.

To the extent that the two coincide, that is both national and district inter-

ests joining together, the easier the choice. By the same token, to the extent that the two diverge, there are fewer simple solutions, only tough decisions.

It is the latter kind of choice I face on this issue:

I can certainly understand and appreciate the commitment the President has made to the nations of Central America and the Caribbean, and that to turn back on that commitment would hurt our Nation's image.

But I also represent one of the most productive agricultural areas in the world—specializing in fresh fruits and vegetables, flowers, and other perishable agricultural products. It has been out of awareness of the concerns of my constituents that I have during the last 6 years fought reducing duties on specialty crops. We have been successful largely because we made the case that uncontrolled imports would have a significant impact on small specialty crop farmers from not only my district, but all across the Nation. In fact, specialty crop farming is a $35 billion industry nationwide, involving some 220,000 growers. After accounting for employees in related industries, including trucking, packaging, processing, and restaurants, we are looking at a total employment figure in excess of 2 million workers.

Today we are faced with a bill (H.R. 7397) which would permit duty-free entry of perishable goods into this country. In drafting this legislation, apparent foresight prevailed with the inclusion of emergency relief provisions to safeguard domestic producers in the event that increased imports were determined to be a substantial cause of serious injury.

What must be understood is that fresh fruits and vegetables are already being imported into this country. Our fruit and vegetable farmers are struggling right now to compete with imports. And it can be expected that many farmers and small businesses will face economic ruin should unlimited quantities of perishable products be allowed to enter the United States duty-free.

Essentially, what we are considering today is a bill that fails to provide realistic safeguards for American producers and applies a double standard by retaining import duties on certain products. These special exemptions include: Textiles and apparel, footwear, petroleum, sugar, beef, and veal. We are told that these areas have been exempted because the incentive of unlimited duty-free access to the U.S. market would likely result in a virtual flood of these particular imports. In addition, we are told that these industries have already been heavily impacted by increased imports and are not likely to survive, faced with duty-free import competition. Finally, the argument has been made that there is no longer relief for these industries and their workers as was formerly provided by trade adjustment assistance programs or the Economic Development Administration (EDA).

The fact is, all three of the above descriptions apply to the agricultural industry in this country today. What we are left facing is an arbitrary decision at best which will invariably result in further eroding the position of our farmers.

The question comes down to whether the broader interests of the President's foreign policy initiative outweigh the immediate and serious injury to the people of my district at a time of serious economic uncertainty.

This is not the time, in the waning hours of the 97th Congress, to rush to judgment on domestic content legislation, nor the time to rush to judgment on legislation to reform our immigration laws, just as it is not the time to rush to judgment on the Caribbean Basin Initiative. The important issues facing us at this late hour are the continuing resolutions—to provide the continued operation of the Federal Government—and the development of a program to provide desperately needed jobs to this Nation's unemployed.

These are my priorities in the next few hours and they ought to be the Congress' and the Nation's.

I therefore urge my colleagues to join me in opposing this untimely proposal.

● Mr. BIAGGI. Mr. Chairman, I wish to make an observation in connection with the Caribbean Basin Initiative bill presently before us. It concerns a matter which was extensively debated on the floor of the House of Representatives on June 20, 1979, at the time that Congress was considering the Panama Canal Treary implementing legislation. I refer to two outstanding expropriation claims against Panama which date back to 1970 and 1974 respectively. During the June 1979 debates on H.R. 111 we received repeated assurances from the State Department that the expropriation claim of Boston-Panama Co., which goes back to 1970, and that of Citricos de Chiriqui, S.A., which goes back to 1974, would shortly be honored by Panama and there was no need to include an amendment to the treaty legislation which would have required Panama to address a resolution to these claims before receiving treaty payments. I am sorry to state that despite those assurances in 1979 we are now approaching 1983 with the claims still unresolved. It seems appropriate, therefore, that we take this opportunitiy to remind the administration that the benefits to be conferred by H.R. 7397 are not expected to be extended to any Caribbean country which engages in this kind of conduct to the detriment of U.S. citizens. The language of section 102 of the bill is aimed at preventing precisely this kind of activity by denying beneficiary country status in situations like the present cases. Frankly, I can think of nothing which more discourages foreign investment in a country than the fear that one's business property may suddenly be seized and that compensation will be given, if at all, only after years of delay. In the two expropriation cases I have referred to, the Government of Panama has regretfully shown hostility to American investors by its indifference to reimbursing the property owners, I am certain the economy of Panama has not gained as a result of this conduct. While we desire that all Caribbean Basin countries share in the benefits designed to be conferred by the CBI, at the same time it would seem highly inappropriate for this administration to be conferring special benefits to a country which is not addressing its obligation to reimburse U.S. citizens for property taken from them.●

Mr. CONABLE. Mr. Chairman, I now yield the balance of my time, which I believe to be 6 minutes, to the distinguished gentleman from Michigan (Mr. VANDER JAGT).

Mr. VANDER JAGT. Mr. Chairman, I rise in strong support of the legislation before us and to commend the distinguished chairman of the Subcommittee on Trade of the Committee on Ways and Means, the gentleman from Florida (Mr. GIBBONS), for very painstakingly developing a bill that is an improvement over the President's proposals that have come to us, in a way that minimizes any potential damage to domestic industry and maximizes economic opportunity for the Caribbean.

I also commend the distinguished chairman of the full Committee on Ways and Means, the gentleman from Illinois, for a beautiful blending of enlightened statesmanship and practical political wisdom in bringing to us a bill of which we can all be proud, providing great oportunity for freedom and for friendship in the Caribbean.

Mr. Chairman, I believe if we, the proponents of the bill, could properly humanize and personalize and individualize the issue, that this bill would pass unanimously in this body. I do not think there is a Member in this body who, receiving a knock on his door and opening the door to find some travelers parched with thirst, asking for a couple of glasses of water, would say, "Do not bother me now; I am too busy with my own problems," and slam the door in their face.

Yet, in an analogous way, that is really the situation that confronts us. Really, what is a pebble to an elephant is a mountain to a group of ants. We are being asked today possibly to sacrifice a pebble of protection-

ism, in order to deliver a gigantic mountain of economic opportunity for the nations of the Caribbean.

We could take 18 of the 26 countries that are involved here, and they would fit altogether within the boundaries of the King Ranch in Texas. Ten of the countries have an annual budget that is less than the budget of the Congress of the United States.

Even if the worst fears of the opponents are realized, and it doubles and triples imports from the Caribbean, the total imports would still constitute only a fraction of 1 percent of the imports into the United States of America.

How can anything so tiny possibly be so important to the United States? Well, as has been stated, nearly half of our imports, more than two-thirds of our imported energy, and more than half of our strategic materials so essential for our industrial production and jobs in the United States pass through the narrow confines of the Caribbean Basin.

The economic help that is delivered is not even the most important thing; most important is the psychological and the symbolic help that will be delivered.

It seems strange in this world where many of the political leaders of the world gain popularity and applause and votes riding on themes of anti-Americanism that most of the leaders in the nations of the Caribbean have recently been elected to office on a platform of friendship with the United States of America.

I ask my colleagues, who are good politicians, to judge for themselves what it would do to the political capital of these leaders in the Caribbean trying to draw their countries away from Cuba and totalitarianism toward the United States and freedom if the headline on the front page of every paper in the Caribbean tomorrow, which rightfully or wrongly would be the case if we were to defeat this legislation, if the headline were, "United States House of Representatives Slams Door in Face of Caribbean Overtures for Friendship."

At the same time we are voting for friendship for the Caribbean we can also vote for more jobs in the United States of America. There is no question that that is the case long term.

Right now we have a $2 billion surplus with the nations involved in this initiative. In a recent study in Santo Domingo it was discovered there were products from 1,598 U.S. companies on the shelves in the stores in Santo Domingo to be sold to the people there: 350 firms were from New York; 148 firms from Illinois, and on and on and on.

Obviously, anything that lifts the economy and the purchasing power of the people of the Caribbean is going to increase their purchases in the United States and, therefore, jobs here.

OK, how about the short term, the immediate crisis with which we are all so greatly concerned? If the worst that the opponents fear actually happens and there is a tremendous influx of imports, it is going to take 1 or 2 years to gear up. How do they gear up? By purchasing equipment, machinery, merchandising, technology, marketing skills here in the United States of America. If this passes, and if it has the impact that the opponents fear, that means immediate infusion of purchases and orders and, therefore, jobs in the United States of America.

So I sincerely hope that as this lameduck session waddles into the night that we will be able to vote for this initiative and go home for the holidays confident that we have made the right vote, the right vote for jobs, short term and long term, and we have made a vote that gives to the people of the Caribbean the thing that they are desperately yearning and longing for, a chance for friendship with the United States of America and for a sharing of a tiny portion of that great American dream.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. VANDER JAGT) has expired.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman has 2½ minutes remaining.

Mr. ROSTENKOWSKI. Mr. Chairman, I must admit that when the President presented his Caribbean Initiative I was somewhat disturbed at the minimal consultation with members of the Ways and Means Committee.

When I first visited with the President in the White House, with the leadership of the House of Representatives and the Committee on Ways and Means, I became even more skeptical. Given that initial sour note, one would expect that relations would disintegrate.

After several conversations, the President of the United States suggested that I take as many of my committee to the Caribbean to see for ourselves whether or not this initiative was going to be helpful, not only to those little countries but to the United States as well.

I went there as a skeptic. I was pessimistic about chances for the CBI, and I would add that all the colleagues who joined me in that mission were not too enthusiastic either.

After having spent 8 days in 5 countries, after talking with 10 Caribbean leaders at the Carricom Conference, I must say my attitude changed.

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In my opinion, if our economy was not in the condition that it is, this legislation would flow through this house virtually unrecognized. It is time for us to recognize that the Caribbean is our underbelly, and that the Carribean people are our friends. One could almost call them citizens of the United States. This is a time when our hand must reach out, not to give aid to these people—but to extend trade. In every conversation that we had, Carribean leaders, whether in trades, in finances, or in business, said, "Mr. Congressman, Mr. Chairman, we don't want your aid. We want to trade with you."

I think this is an opportunity to help the Carribean and to help ourselves, to bring them to assure they remain strong members of our sphere.

Mr. Chairman, this is historic legislation and it is the first step in the right direction of protecting this country as well.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule. No amendments are in order except: First, Amendments recommended by the Committee on Ways and Means, and the amendments now printed in the bill shall be considered en bloc; second, an amendment printed in the CONGRESSIONAL RECORD of December 15, 1982, by Representative GEPHARDT; third, an amendment printed in the CONGRESSIONAL RECORD of December 15, 1982, by Representative DE LUGO of the Virgin Islands; and fourth, an amendment printed in the CONGRESSIONAL RECORD of December 15, 1982, by Representative HOPKINS of Kentucky, and said amendments shall not be subject to amendment.

The text of H.R. 7397 is as follows:

H.R. 7397

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Caribbean Basin Economic Recovery Act".

TITLE I—DUTY-FREE TREATMENT

SEC. 101. AUTHORITY TO GRANT DUTY-FREE TREATMENT.

The President may proclaim duty-free treatment for all eligible articles from any beneficiary country in accordance with the provisions of this title.

SEC. 102. BENEFICIARY COUNTRY.

(a) (1) For purposes of this title—

(A) The term "beneficiary country" means any country listed in subsection (b) with respect to which there is in effect a proclamation by the President designating such country as a beneficiary country for purposes of this title. Before the President designates any country as a beneficiary country for purposes of this title, he shall notify the House of Representatives and the Senate of his intention to make such designation, together with the considerations entering into such decision.

(B) The term "TSUS" means the Tariff Schedules of the United States (19 U.S.C. 1202).

(2) If the President has designated any country as a beneficiary country for pur-

poses of this title, he shall not terminate such designation (either by issuing a proclamation for that purpose or by issuing a proclamation which has the effect of terminating such designation) unless, at least sixty days before such termination, he has notified the House of Representatives and the Senate and has notified such country of his intention to terminate such designation, together with the considerations entering into such decision.

(b) In designating countries as "beneficiary countries" under this title, the President shall consider only the following countries and territories or successor political entities:

Anguilla	Jamaica
Antigua and Barbuda	Nicaragua
Bahamas, The	Panama
Barbados	Saint Lucia
Belize	Saint Vincent and the Grenadines
Costa Rica	Surinam
Cuba	Trinidad and Tobago
Dominica	Cayman Islands
Dominican Republic	Montserrat
El Salvador	Netherlands Antilles
Grenada	Saint Christopher-Nevis
Guatemala	Turks and Caicos Islands
Guyana	Virgin Islands, British
Haiti	
Honduras	

In addition, the President shall not designate any country a beneficiary country under this title—

(1) if such country is a Communist country;

(2) if such country—

(A) has nationalized, expropriated, or otherwise seized ownership or control of property owned by a United States citizen or by a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens,

(B) has taken steps to repudiate or nullify an existing contract or agreement with a United States citizen or a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of property so owned, or

(C) has imposed or enforced taxes or other exactions, restrictive maintenance or operational conditions, or other measures with respect to property so owned, the effect of which is to nationalize, expropriate, or otherwise seize ownership or control of such property, unless the President determines that—

(i) prompt, adequate, and effective compensation has been or is being made to such citizen, corporation, partnership, or association,

(ii) good-faith negotiations to provide prompt, adequate, and effective compensation under the applicable provisions of international law are in progress, or such country is otherwise taking steps to discharge its obligations under international law with respect to such citizen, corporation, partnership, or association, or

(iii) a dispute involving such citizen, corporation, partnership, or association, over compensation for such a seizure has been submitted to arbitration under the provisions of the Convention for the Settlement of Investment Disputes, or in another mutually agreed upon forum, and

promptly furnishes a copy of such determination to the Senate and House of Representatives;

(3) if such country fails to act in good faith in recognizing as binding or in enforcing arbitral awards in favor of United States citizens or a corporation, partnership, or association which is 50 per centum or more beneficially owned by United States citizens, which have been made by arbitrators appointed for each case or by permanent arbitral bodies to which the parties involved have submitted their dispute;

(4) if such country affords preferential treatment to the products of a developed country, other than the United States, which has, or is likely to have, a significant adverse effect on United States commerce, unless the President has received assurances satisfactory to him that such preferential treatment will be eliminated or that action will be taken to assure that there will be no such significant adverse effect, and he reports those assurances to the Congress;

(5) if a government-owned entity in such country engages in the broadcast of copyrighted material, including films or television material, belonging to United States copyrighted owners without their express consent; and

(6) unless there is in effect between the United States and such country a treaty regarding the extradition of United States citizens.

Paragraphs (1), (2), and (3) shall not prevent the designation of any country as a beneficiary country under this Act if the President determines that such designation will be in the national economic or security interest of the United States and reports such determination to the Congress with his reasons therefor.

(c) In determining whether to designate any country a beneficiary country under this title, the President shall take into account—

(1) an expression by such country of its desire to be so designated;

(2) the economic conditions in such country, the living standards of its inhabitants, and any other economic factors which he deems appropriate;

(3) the extent to which such country has assured the United States it will provide equitable and reasonable access to the markets and basic commodity resources of such country;

(4) the degree to which such country follows the accepted rules of international trade provided for under the General Agreement of Tariffs and Trade, as well as applicable trade agreements approved under section 2(a) of the Trade Agreements Act of 1979;

(5) the degree to which such country uses export subsidies or imposes export performance requirements or local content requirements which distort international trade;

(6) the degree to which the trade policies of such country as they relate to other beneficiary countries are contributing to the revitalization of the region;

(7) the degree to which such country is undertaking self-help measures to promote its own economic development;

(8) the degree to which workers in such country are afforded reasonable workplace conditions and enjoy the right to organize and bargain collectively;

(9) the extent to which such country prohibits its nationals from engaging in the broadcast of copyrighted material, including films or television material, belonging to United States copyrighted owners without their express consent; and

(10) the extent to which such country is prepared to cooperate with the United States in the administration of the provisions of this title.

(d) General headnote 3(a) of the TSUS (relating to products of the insular possessions) is amended by adding at the end thereof the following paragraph:

"(iv) subject to the provisions in section 103 of the Caribbean Basin Economic Recovery Act, articles which are imported from insular possessions of the United States shall receive duty treatment no less favorable than the treatment afforded such articles when they are imported from a beneficiary country under such Act.".

(e) The President shall, after complying with the requirements of subsection (a)(2), withdraw or suspend the designation of any country as a beneficiary country if, after such designation, he determines that as the result of changed circumstances such country would be barred from designation as a beneficiary country under subsection (b).

SEC. 103. ELIGIBLE ARTICLES.

(a)(1) Unless otherwise excluded from eligibility by this title, the duty-free treatment provided under this title shall apply to any article which is the growth, product, or manufacture of a beneficiary country if—

(A) that article is imported directly from a beneficiary country into the customs territory of the United States; and

(B) the sum of (i) the cost or value of the materials produced in a beneficiary country or two or more beneficiary countries, plus (ii) the direct costs of processing operations performed in such beneficiary country or countries is not less than 35 percent of the appraised value of such article at the time of its entry into the customs territory of the United States.

For purposes of determining the percentage referred to in subparagraph (B)(ii), the term "beneficiary country" includes the Commonwealth of Puerto Rico and the United States Virgin Islands. If the cost or value of materials produced in the United States (other than the Commonwealth of Puerto Rico and the United States Virgin Islands) is included with respect to an article to which this paragraph applies, not to exceed 15 percent of the appraised value of the article at the time of entry into the customs territory of the United States that is attributable to such United States cost or value may be applied toward determining the percentage referred to in subparagraph (B)(ii).

(2) The Secretary of the Treasury shall prescribe such regulations as may be necessary to carry out this subsection including, but not limited to, regulations providing that, in order to be eligible for duty-free treatment under this title, an article must be wholly the growth, product, or manufacture of a beneficiary country, or must be a new or different article of commerce which has been grown, produced, or manufactured in the beneficiary country; but no article or material of a beneficiary country shall be eligible for such treatment by virtue of having merely undergone—

(A) simple combining or packaging operations, or

(B) mere dilution with water or mere dilution with another substance that does not materially alter the characteristics of the article.

(3) As used in this subsection, the phrase "direct costs of processing operations" includes, but is not limited to—

(A) all actual labor costs involved in the growth, production, manufacture, or assembly of the specific merchandise, including fringe benefits, on-the-job training and the cost of engineering, supervisory, quality control, and similar personnel; and

(B) dies, molds tooling, and depreciation on machinery and equipment which are allocable to the specific merchandise.

Such phrase does not include costs which are not directly attributable to the merchandise concerned or are not costs of manufacturing the product, such as (i) profit, and (ii) general expenses of doing business which are either not allocable to the specific merchandise or are not related to the growth, production, manufacture, or assembly of the merchandise, such as administrative salaries, casualty and liability insurance, advertising, and salesmen's salaries, commissions or expenses.

(b) The duty-free treatment provided under this title shall not apply to—

(1) textile and apparel articles which are subject to textile agreements;

(2) footwear, handbags, luggage, flat goods, work gloves, and leather wearing apparel not designated at the time of the effective date of this title as eligible articles for the purpose of the Generalized System of Preferences under title V of the Trade Act of 1974; or

(3) petroleum, or any product derived from petroleum, provided for in part 10 of schedule 4 of the TSUS.

(c)(1) As used in this subsection—

(A) The term "sugar and beef products" means—

(i) sugars, sirups, and molasses provided for in items 155.20 and 155.30 of the TSUS, and

(ii) articles of beef or veal, however provided for in subpart B of part 2 of schedule 1 of the TSUS.

(B) The term "Plan" means a Stable Food Production Plan that consists of measures and proposals designed to ensure that the present level of food production in, and the nutritional level of the population of, a beneficiary country will not be adversely affected by changes in land use and land ownership that will result if increased production of sugar and beef products is undertaken in response to the duty-free treatment extended under this title to such products. A Plan must specify such facts regarding, and such proposed actions by, a beneficiary country as the President deems necessary for purposes of carrying out this subsection, including but not limited to—

(i) the current levels of food production and nutritional health of the population;

(ii) current levels of production and export of sugar and meat products;

(iii) expected increases in production and export of sugar and products as a result of the duty-free access to the United States market provided under this title;

(iv) measures to be taken to ensure that the expanded production of those products because of such duty-free access will not occur at the expense of staple food production; and

(v) proposals for a system to monitor the impact of such duty-free access on staple food production and land use and land ownership patterns.

(2) Duty-free treatment extended under this title to sugar and beef products that are the product of a beneficiary country shall be suspended by the President under this subsection if—

(A) the beneficiary country, within the ninety-day period beginning on the date of its designation as such a country under section 102, does not submit a Plan to the President for evaluation;

(B) on the basis of his evaluation, the President determines that the Plan of a beneficiary country does not meet the criteria set forth in paragraph (1)(B); or

(C) as a result of the monitoring of the operation of the Plan under paragraph (5), the President determines that a beneficiary country is not making a good faith effort to implement its Plan, or that the measures and proposals in the Plan, although being implemented, are not achieving their purposes.

(4) Before the President suspends duty-free treatment by reason of paragraph (2) (A), (B), or (C) to the sugar and beef products of a beneficiary country, he must offer to enter into consultation with the beneficiary country for purposes of formulating appropriate remedial action which may be taken by that country to avoid such suspension. If the beneficiary country thereafter enters into consultation within a reasonable time and undertakes to formulate remedial action in good faith, the President shall withhold the suspension of duty-free treatment on the condition that the remedial action agreed upon be appropriately implemented by that country.

(5) The President shall monitor on a biennial basis the operation of the Plans implemented by beneficiary countries, and shall submit a written report to Congress by March 15 following the close of each biennium, that—

(A) specifies the extent to which each Plan, and remedial actions, if any, agreed upon under paragraph (4), have been implemented; and

(B) evaluates the results of such implementation.

(6) The President shall terminate any suspension of duty-free treatment imposed under this subsection if he determines that the beneficiary country has taken appropriate action to remedy the factors on which the suspension was based.

(d) For such period as there is in effect a proclamation issued by the President pursuant to the authority vested in him by section 22 of the Agricultural Adjustment Act (7 U.S.C. 624) to protect a price-support program for sugar beets and sugar cane, the importation and duty-free treatment of sugars, sirups, and molasses classified under items 155.20 and 155.30 of the TSUS shall be governed in the following manner:

(1)(A) For all beneficiary countries, except those subject to subparagraph (B) and paragraph (2), duty-free treatment shall be provided in the same manner as it is provided pursuant to title V of the Trade Act of 1974 (19 U.S.C. 2461 et seq.), at the time of the effective date of this title; except that the President upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the value limitation provided for in section 504(c)(1) of the Trade Act of 1974 on the duty-free treatment afforded to beneficiary countries under this section if he finds that such adjustment will not interfere with the price support program for sugar beets and sugar cane and is appropriate in light of market conditions.

(B) As an alternative to subparagrah (A), the President may, at the request of a beneficiary country not subject to paragraph (2) and upon the recommendation of the Secretary of Agriculture, elect to permit sugar, sirups, and molasses from that country to enter duty-free during a calendar year subject to quantitative limitations to be established by the President on the quantity of sugar, sirups, and molasses entered from that country.

(2) For the following countries whose exports of sugar, sirups, and molasses in 1981 were not eligible for duty-free treatment because of the operation of section 504(c) of the Trade Act of 1974, the quantity of sugar, sirups, and molasses which may enter the customs territory of the United States in any calendar year shall be limited to no more than the quantity specified below:

Metric tons	
Dominican Republic	780,000
Guatemala	210,000
Panama	160,000

Such sugar, sirups, and molasses shall be admitted free of duty, except as provided for in paragraph (3).

(3) The President, upon the recommendation of the Secretary of Agriculture, may suspend or adjust upward the quantitative limitations imposed under paragraph (1)(A) or (2) if he determines such action will not interfere with the price-support program for sugar beets and sugar cane and is appropriate in light of market conditions. The President, upon the recommendation of the Secretary of Agriculture, may suspend the duty-free treatment for all or part of the quantity of sugar, sirups, and molasses permitted to be entered by paragraphs (1)(B) and (2) if such action is necessary to protect the price-support program for sugar beets and sugar cane.

(4) Any quantitative limitation imposed on a beneficiary country under paragraph (1)(B) or (2) shall apply only to the extent that such limitation permits a lesser quantity of sugar, sirups, and molasses to enter the customs territory of the United States from that country than the quantity that would be permitted to enter under any other provision of law.

(e)(1) The President may by proclamation suspend the duty-free treatment provided by this title with respect to any eligible article and may proclaim a duty rate for such article if such action is proclaimed pursuant to section 203 of the Trade Act of 1974 or section 232 of the Trade Expansion Act of 1962. Any proclamation issued pursuant to section 203 of the Trade Act of 1974 that is in effect when duty-free treatment pursuant to section 101 of this title is proclaimed shall remain in effect until modified or terminated.

(2) In any report by the International Trade Commission to the President under section 201(d)(1) of the Trade Act of 1974 regarding any article for which duty-free treatment has been proclaimed by the President pursuant to this title, the Commission shall state whether and to what extent its findings and recommendations apply to such article when imported from beneficiary countries. With respect to any article which is subject to import relief in effect at the time duty-free treatment is proclaimed pursuant to section 101 of this title, the President may reduce or terminate the application of such import relief to imports from beneficiary countries prior to its otherwise scheduled date pursuant to the criteria and procedures of subsections (h) and (i) of section 203 of the Trade Act of 1974.

(3) For purposes of subsections (a) and (c) of section 203 of the Trade Act of 1974, the suspension of the duty-free treatment provided by this title shall be treated as an increase in duty.

(4) No proclamation which provides solely for a suspension referred to in paragraph (3) of this subsection with respect to any article shall be made under subsections (a) and (c) of section 203 of the Trade Act of 1974 unless the United States International Trade Commission, in addition to making an affirmative determination with respect to such article under section 201(b) of the Trade Act of 1974, determines in the course of its investigation under section 201(b) that the serious injury (or threat thereof) substantially caused by imports to the domestic industry producing a like or directly competitive article results from the duty-free treatment provided by this title.

(f)(1) If a petition is filed with the International Trade Commission pursuant to the provisions of section 201 of the Trade Act of 1974 regarding a perishable product and alleging injury from imports from beneficiary countries, then the petition may also be filed with the Secretary of Agriculture with a request that emergency relief be granted pursuant to paragraph (3) of this subsection with respect to such article.

(2) Within fourteen days after the filing of a petition under paragraph (1) of this subsection—

(A) if the Secretary of Agriculture has reason to believe that a perishable product from a beneficiary country is being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing a perishable product like or directly competitive with the imported product and that emergency action is warranted, he shall advise the President and recommend that the President take emergency action; or

(B) the Secretary of Agriculture shall publish a notice of his determination not to recommend the imposition of emergency action and so advise the petitioner.

(3) Within seven days after the President receives a recommendation from the Secretary of Agriculture to take emergency action pursuant to paragraph (2) of this subsection, he shall issue a proclamation withdrawing the duty-free treatment provided by this title or publish a notice of his determination not to take emergency action.

(4) The emergency action provided by paragraph (3) of this subsection shall cease to apply—

(A) upon the proclamation of import relief pursuant to section 202(a)(1) of the Trade Act of 1974,

(B) on the day the President makes a determination pursuant to section 203(b)(2) not to impose import relief,

(C) in the event of a report of the United States International Trade Commission containing a negative finding, on the day the Commission's report is submitted to the President, or

(D) whenever the President determines that because of changed circumstances such relief is no longer warranted.

(5) For purposes of this subsection, the term "perishable product" means—

(A) live plants provided for in subpart A of part 1 of schedule 6 of the TSUS;

(B) fresh or chilled vegetables provided for in items 135.10 through 138.42 of the TSUS;

(C) fresh mushrooms provided for in term 144.10 of the TSUS;

(D) fresh fruit provided for in items 146.10, 146.20, 146.30, 146.50 through 146.62, 146.90, 146.91, 147.03 through 147.33, 147.50 through 149.21, and 149.50 of the TSUS; and

(E) fresh cut flowers provided for in items 192.17, 192.18, and 192.21 of the TSUS.

(g) No proclamation issued pursuant to this title shall affect fees imposed pursuant to section 22 of the Agricultural Adjustment Act (7 U.S.C. 624).

SEC. 104. MEASURES FOR PUERTO RICO AND UNITED STATES INSULAR POSSESSIONS.

(a) Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the effective date of this Act, general headnote 3(a) of the TSUS is amended—

(1) by amending clause (i)—

(A) by striking out "50 percent" and inserting in lieu thereof "70 percent", and

(B) by striking out "(or more than 70 percent of their total value with respect to watches and watch movements)" and inserting in lieu thereof "(or more than 50 percent of their total value with respect to petroleum, and products derived from petroleum, provided for in part 10 of schedule 4)"; and

(2) by amending clause (ii) by striking out "50 percent" and inserting in lieu thereof "70 percent".

(b) Item 813.31 of the TSUS is amended by striking out "4 liters" and inserting in lieu thereof "5 liters", and by inserting after "United States,", "and not more than 4 liters of which shall have been produced elsewhere than in such insular possessions,".

(c) If the sum of the amounts of taxes covered into the treasuries of Puerto Rico and or the United States Virgin Islands pursuant to section 7652(c) of the Internal Revenue Code of 1954 is reduced below the amount that would have been covered over if the imported rum had been produced in Puerto Rico or the United States Virgin Islands, then the President shall consider compensation measures and, in this regard, may withdraw the duty-free treatment on rum provided by this title. The President shall submit a report to the Congress on the measures he takes.

(d) Section 1112 of the Trade Agreements Act of 1979 (19 U.S.C. 2582) is repealed.

(e) No action pursuant to this title may affect any tariff duty imposed by the Legislature of Puerto Rico pursuant to section 319 of the Tariff Act of 1930 (19 U.S.C. 1319) on coffee imported into Puerto Rico.

(f) For purposes of chapter 1 of title II of the Trade Act of 1974, the term "industry" shall include producers located in the United States insular possessions.

(g) Any discharge from a point source in the United States Virgin Islands in existence on the date of the enactment of this subsection which discharge is attributable to the manufacture of rum (as defined in paragraph (2) of section 7652(c) of the Internal Revenue Code of 1954 shall not be subject to the requirements of section 301 (other than toxic pollutant discharges), section 306 or section 403 of the Federal Water Pollution Control Act if—

(1) such discharge occurs at least one thousand five hundred feet into the territorial sea from the line of ordinary low water from that portion of the coast which is in direct contact with the sea, and

(2) the Governor of the United States Virgin Islands determines that such discharge will not interfere with the attainment or maintenance of that water quality which shall assure protection of public water supplies, and the protection and propagation of a balanced population of shellfish, fish, and wildlife, and allow recreational activities, in and on the water and such modification will not result in the discharge of pollutants in quantities which may reasonably be anticipated to pose an unacceptable risk to human health or the environment because of bioaccumulation, persistency in the environment, acute toxicity, chronic toxicity (including carcinogenicity, mutagenicity, or teratogenicity), or synergistic propensities.

SEC. 105. ITC REPORTS ON IMPACT OF THIS ACT.

(a) The United States International Trade Commission (hereinafter in this section referred to as the "Commission") shall prepare, and submit to the Congress and to the President, a report regarding the economic impact of this Act on United States industries and consumers during—

(1) the twenty-four month period beginning with January 1983; and

(2) each calendar year occurring thereafter until duty-free treatment under this title is terminated under section 106(b).

For purposes of this section, industries in the Commonwealth of Puerto Rico and the insular possessions of the United States shall be considered to be United States industries.

(b)(1) Each report required under subsection (a) shall include, but not be limited to, an assessment by the Commission regarding—

(A) the actual effect, during the period covered by the report, of this Act on the United States economy generally as well as on those specific domestic industries which produce articles that are like, or directly competitive with, articles being imported into the United States from beneficiary countries; and

(B) the probable future effect which this Act will have on the United States economy generally, as well as on such domestic industries, before the provisions of this Act terminate.

(2) In preparing the assessments required under paragraph (1), the Commission shall, to the extent practicable—

(A) analyze the production, trade, and consumption of United States products affected by this Act, taking into consideration employment, profit levels, and use of productive facilities with respect to the domestic industries concerned, and such other economic factors in such industries as it considers relevant, including prices, wages, sales, inventories, patterns of demand, capital investment, obsolescence of equipment, and diversification of production; and

(B) describe the nature and extent of any significant change in employment, profit levels, and use of productive facilities, and such other conditions as it deems relevant in the domestic industries concerned, which it believes are attributable to this Act.

(c)(1) Each report required under subsection (a) shall be submitted to the Congress and to the President before the close of the nine-month period beginning on the day after the last day of the period covered by the report.

(2) The Commission shall provide opportunity for the submission by the public, either orally or in writing, or both, of information relating to matters that will be addressed in the reports.

SEC 106. EFFECTIVE DATE OF TITLE AND TERMINATION OF DUTY-FREE TREATMENT.

(a) EFFECTIVE DATE.—This title shall take effect on the date of the enactment of this Act.

(b) TERMINATION OF DUTY-FREE TREATMENT.—No duty-free treatment extended to

beneficiary countries under this title shall remain in effect after September 30, 1994.

TITLE II—TAX PROVISIONS

SEC. 201. PAYMENT OF EXCISE TAXES COLLECTED ON RUM TO PUERTO RICO AND THE UNITED STATES VIRGIN ISLANDS.

(a) IN GENERAL.—Section 7652 of the Internal Revenue Code of 1954 (relating to shipments to the United States) is amended by inserting after subsection (b) the following new subsection:

"(c) SHIPMENTS OF RUM TO THE UNITED STATES.—

"(1) EXCISE TAXES ON RUM COVERED INTO TREASURIES OF PUERTO RICO AND VIRGIN ISLANDS.—All taxes collected under section 5001(a)(1) on rum reported into the United States (less the estimated amount necessary for payment of refunds and drawbacks) shall be covered into the treasuries of Puerto Rico and the Virgin Islands.

"(2) SECRETARY PRESCRIBES FORMULA.—The Secretary shall, from time to time, prescribe by regulation a formula for the division of such tax collections between Puerto Rico and the Virgin Islands and the timing and methods for transferring such tax collections.

"(3) RUM DEFINED.—For purposes of this subsection, the term 'rum' means any article classified under item 169.13 or 169.14 of the Tariff Schedules of the United States (19 U.S.C. 1201).

"(4) COORDINATION WITH SUBSECTIONS (a) AND (b).—Paragraph (1) shall not apply with respect to any rum subject to tax under subsection (a) or (b)."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles imported into the United States after December 31, 1982.

SEC. 202. TREATMENT OF CARIBBEAN CONVENTIONS, ETC.

(a) GENERAL RULE.—Subsection (h) of section 274 of the Internal Revenue Code of 1954 (relating to attendance at conventions, etc.) is amended by adding at the end thereof the following new paragraph:

"(5) TREATMENT OF CONVENTIONS IN CERTAIN CARIBBEAN COUNTRIES.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'North American area' includes, with respect to any convention, seminar, or similar meeting, any beneficiary country if there is in effect (as of the time such meeting begins) a bilateral or multilateral agreement between such country and the United States providing for the exchange of information between the United States and such country.

"(B) BENEFICIARY COUNTRY.—For purposes of this paragraph, the term 'beneficiary country' has the meaning given to such term by section 102(a)(1)(A) of the Caribbean Basin Economic Recovery Act; except that such term shall include Bermuda.

"(C) AUTHORITY TO CONCLUDE EXCHANGE OF INFORMATION AGREEMENTS.—The Secretary is authorized to negotiate and conclude an agreement for the exchange of information with any beneficiary country. An exchange of information agreement shall provide for the exchange of such information (not limited to information concerning nationals or residents of the United States or the beneficiary country) as may be necessary or appropriate to carry out and enforce the tax laws of the United States and the beneficiary country (whether criminal or civil proceedings), including information which may otherwise be subject to nondisclosure provisions of the local law of the beneficiary country such as provisions respecting bank secrecy and bearer shares. The exchange of information agreement shall be terminable by either country on reasonable notice and shall provide that information received by either country will be disclosed only to persons or authorities (including courts and administrative bodies) involved in the administration or oversight of, or in the determination of appeals in respect of, taxes of the United States or the beneficiary country and will be used by such persons or authorities only for such purposes.

"(D) COORDINATION WITH SECTION 6103.—Any exchange of information agreement negotiated under subparagraph (C) shall be treated as an income tax convention for purposes of section 6103(k)(4).

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to conventions, seminars, or other meetings beginning after December 31, 1982.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Committee amendments: Page 6, strike lines 11 through 13 and insert:

"(6) unless such country is a signatory to a treaty, convention, protocol, or other agreement regarding the extradition of United States citizens."

In section 103(c)(1)(B) of the bill strike out "meat" in clause (ii) and insert "beef", and insert "beef" before "products" in clause (iii).

In section 104(c) of the bill strike out "and" after "Puerto Rico" the first time it appears therein.

In lieu of the text for section 274(h)(5)(A) of the Internal Revenue Code of 1954 (as proposed to be added by section 202(a) of the bill) insert the following:

"(A) IN GENERAL.—For purposes of this subsection, the term 'North American area' includes, with respect to any convention, seminar, or similar meeting, any beneficiary country if (as of the time such meeting begins)—

"(i) there is in effect a bilateral or multilateral agreement between such country and the United States providing for the exchange of information between the United States and such country, and

"(ii) there is not in effect a finding by the Secretary that the tax laws of such country discriminate against conventions held in the United States."

At the end of paragraph (5) of section 274(h) of the Internal Revenue Code of 1954 (as proposed to be added by section 202(a) of the bill), insert the following:

"(E) FINDINGS PUBLISHED IN THE FEDERAL REGISTER.—Any finding by the Secretary under subparagraph (A)(ii) (and any termination thereof) shall be published in the Federal Register."

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

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

There was no objection.

Mr. ROSTENKOWSKI. Mr. Chairman, this committee amendment is simply an aggregate of those committee amendments printed in the bill as reported by the Committee on Ways and Means. They reflect changes made in the bill in the committee

The CHAIRMAN. The question is on the committee amendments.

The committee amendments were agreed to.

AMENDMENTS OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Mr. Chairman, I ask unanimous consent that I may offer amendments making seven clerical changes in the bill as reported by the committee.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ROSTENKOWSKI: Page 21, line 3, strike out "1" and insert "6".

Page 21, line 4, strike out "6" and insert "1".

Page 23, line 15, strike out "(2)" and insert "(3)".

Page 23, line 16, insert a closed parenthesis after "1954".

Page 24, lines 5 and 6, strike out "such modification".

Page 27, line 13, strike out "reported" and insert "imported".

Page 28, line 2, strike out "1201" and insert "1202".

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

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

There was no objection.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. ROSTENKOWSKI).

The amendments were agreed to.

AMENDMENTS OFFERED BY MR. ROSTENKOWSKI

Mr. ROSTENKOWSKI. Mr. Chairman, I offer amendments, and I ask unanimous consent that they be considered en bloc.

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

There was no objection.

The Clerk read as follows:

Amendments offered by Mr. ROSTENKOWSKI: Page 11, line 21, strike out "or".

Page 11, between lines 21 and 22, insert the following:

(3) tuna, prepared or preserved in any manner, in airtight containers; or

Page 11, line 22, strike out "(3)"; and insert in lieu thereof "(4)".

Mr. ROSTENKOWSKI. Mr. Chairman, this committee amendment is known as the Gephardt-Lowery amendment. This amendment was approved by the committee yesterday afternoon. It is identical to the amendment that was made in order under the rule to be offered by the gentleman from Missouri (Mr. GEPHARDT). The amendment of the gentleman from Missouri was discussed at our committee meeting yesterday and approved by the committee.

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

Mr. ROSTENKOWSKI. I yield to my colleague from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, there has been some agreement in the committee about this measure. However, there remains objection to it. I am wondering if, in view of the amendments that are to follow, it might be desirable to have a vote on this.

Mr ROSTENKOWSKI. It was not the intention of the gentleman from Illinois to have a roll call on this. However, immediately after this amendment is agreed to I was going to ask for a quorum call.

Mr. CONABLE. Mr. Chairman, I personally believe that the measure would be a stronger measure were this amendment not to be added. However, I do not wish to elaborate or take the time of the House.

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

Mr. ROSTENKOWSKI. I yield.

Mr. FRENZEL. Mr. Chairman, I must say I have the same feeling. It is an unnecessary amendment giving unnecessary protection to an industry which is not threatened in the Caribbean Basin. I will, however, not object to it.

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

Mr. ROSTENKOWSKI. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. Mr. Chairman, I thank the chairman for yielding, and wish to commend the chairman for offering this amendment and to tell him that this is appreciated.

Mr. Chairman, many of my colleagues will be speaking today on behalf of the Gephardt amendment as a result of the impact that free importation of processed tuna will have on the Nation. On behalf of the more than 3 million Americans living in Puerto Rico, 13,000 of whom depend on tuna canning for their livelihood, I would like to spend my time addressing the importance of tuna canning to the island.

Our unemployment rate is, sadly, above 22 percent. We have the misfortune to experience a negative growth rate this year of minus 4 percent.

The tuna canning industry has been in operation on the island for 30 years. It has grown to a point where 40 percent of all U.S. production originates in Puerto Rico. Last year, American-flag vessels transported 233 million pounds of canned tuna to the mainland. Unlike many industries, tuna processing is labor intensive. The canneries in Puerto Rico employ over 7,000 persons directly, and another 6,000 have jobs which depend on the health of the industry.

Tuna canning is a relatively healthy industry in Puerto Rico at the moment. The Caribbean nations have little current production. But the Caribbean Basin Initiative unless amended, poses severe dangers for the U.S. tuna canning industry.

First, since labor costs are one of the two key components in the price of a can of tuna, great competitive advantage would be gained by moving to the Caribbean basin where wage rates are lower.

Second, the U.S. producers must meet environmental and health regulations not imposed by these Caribbean nations. While these laws protect the U.S. worker and consumer, they do add costs to production.

Third, American-flag vessels are used in shipping the canned tuna from Puerto Rico to the mainland, a requirement which does not need to be met if tuna is canned elsewhere.

Fourth, tuna canning is a relatively mobile industry, and the canneries can be moved fairly rapidly. Construction time is also relatively short. A new cannery could be constructed from scratch in less than 1 year.

Given all this, it is clear that the Caribbean basin, with its abundant labor, low wage scale, and proximity to the United States, will be an attractive site for the relocation of these plants.

These conditions exist in the Caribbean as I speak, yet the tuna processing industry has not seen fit to transfer its operations out of the United States. The reason can only be the current tuna tariff of 35 percent. If the CBI does not exempt tuna, the canneries will leave; and once one leaves, the law of economic advantage will dictate that all must leave.

So, to my colleagues who argue that current low production in the Caribbean is a reason for duty-free status, I say that current production is not the problem, but the likelihood of great future production is.

To my colleagues who say why should Puerto Rico be concerned about one industry leaving when the CBI gives it revenues from the excise taxes collected on foreign rum sales, I say that the dollar amount we will receive from rum will not match the $90 million per year the tuna industry contributes to the Puerto Rican economy.

And to my colleagues who say that jobs will be created by the free importation of tuna, I ask where will be the jobs for the 13,000 Americans in Puerto Rico, and the 50,000 nationwide who depend on tuna canning for their livelihood.

I urge you to support the Gephardt amendment.

Mr. LOWERY of California. Mr. Chairman, will the gentleman yield?

Mr. ROSTENKOWSKI. I yield to the gentleman from California (Mr. LOWERY) who has been very helpful.

Mr. LOWERY of California. Mr. Chairman, the American tuna industry is in a period of economic dislocation brought on by excessive Federal regulation. The United States tuna industry is on the precipice of economic ruin due to our own policies. Our tuna fishermen are the best in the world and can compete effectively with fishing interests anywhere in the world on an equal basis. But we cannot compete with foreign subsidized fishing operations or where our tuna industry is held hostage by U.S. regulation. Our industry must meet all city, county, State and Federal regulations in the areas of air pollution, water pollution, health standards, wage standards, marine mammal protection, and tax laws. Foreign fishing interests do not.

Mr. Chairman, I am no protectionist, but during this time of economic dislocation we must provide breathing room for our domestic tuna industry. The Gephardt-Lowery amendment is in the best interests of American consumers and workers. It is also in the best interest of American taxpayers. We stand to lose millions of dollars in revenue with the closing of U.S. canneries and transfer of U.S.-flag vessels to foreign flags.

DECEMBER 17, 1982.

Congressman DANIEL ROSTENKOWSKI,
Chairman, Ways and Means Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The undersigned conservation and animal protection organizations strongly support the Gephardt-Lowry amendment to the Caribbean Basin Initiative deleting tuna from the duty free provisions of the bill.

We support this amendment, which might at first appearance seem remote to the concerns of environmental groups, because we anticipate that exempting tuna of Caribbean Basin origin from U.S. tarrif requirements will lead to a transfer of both U.S. owned canning facilities to Caribbean nations, and U.S. flag tuna seiners to foreign flags. If this occurred, it could well undo years of strenuous effort by the conservation community to reduce the incidental kill of porpoise during the process of netting yellowfin tuna with purse seines.

From 1972 to 1978, the conservation and animal protection movement undertook a protracted and expensive campaign, in both the courts and the Congress, to force U.S. tuna industry compliance with the Marine Mammal Protection Act, which mandates reduction of incidental porpoise kill in the process of tuna fishing to "levels approaching zero." As a result, the kill of porpoise has been overwhelmingly reduced—from almost half a million in 1972 to approximately 20,000 a year today. After years of acrimony, the effort to reduce this unnecessary kill now enjoys the full cooperation of the U.S. tuna fishing community.

Unfortunately, however, the regulations and procedures which govern "setting on porpoises" to locate schools of yellowfin do not apply to foreign flag tuna seiners. While the Inter-American Tropical Tuna Commission (IATTC) has adopted some marine mammal conservaiton regulations, the IATTC program remains unenforced. Further, the Commission itself is currently in a state of of limbo—unable to impose conservation regulations for tuna, far less for porpoise.

Moreover, during the struggle to bring about compliance with the Marine Mammal Protection Act, we were constantly hamstrung by both the existence of U.S.-owned foreign flag of convenience vessels, and by threats of those ships remaining under U.S. flag to "go foreign." Flag of convenience vessels, registered in Panama and other countries, consistently achieved yields twice that of U.S. flag vessels per vessel ton, simply by ignoring the IATTC regulations our vessels were obliged to obey. U.S. vessel owners were understandably reluctant to accept regulations that would increase the large differential advantage enjoyed by foreign flag vessels.

The duty free provision in the Caribbean Basin Initiative, if applied to tuna, promises to hasten the day when most of the tuna eaten in the United States is caught by foreign flag vessels and processed in foreign canneries. The result would be bad for U.S. workers, bad for porpoise and tuna conservation alike, and against the long term interests of the United States.

Thank you for your consideration.

Very truly yours,

GUETA MARIA MEZZETTI.
TOM GARRETT.

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

Mr. ROSTENKOWSKI. I yield to the gentleman from California.

Mr. ANDERSON. Mr. Chairman, I rise in support of the Gephardt amendment to exempt canned tuna from the duty-free treatment as provided for by H.R. 7397, the Caribbean Basin Economic Recovery Act.

Mr. Chairman, I have been informed that our domestic tuna industry will suffer significant injury if processed tuna is not exempted from the duty-free importation provisions of the Caribbean Basin Economic Recovery Act, commonly referred to as the Caribbean Basin Initiative (CBI). The failure to retain the current tariffs on foreign processed tuna will jeopardize 40,000 to 50,000 jobs nationwide in canneries, fishing vessels, and related support industries.

Despite the current tariff protection, the domestic tuna industry is already experiencing severe competition from foreign tuna producers that are able to undercut domestic processors' prices due to the considerably lower cost of tuna processing in developing nations. In short, this Nation's tuna industry is facing severe economic hardships.

Mr. Chairman, in my district bordering on San Pedro Bay in southern California, there are two major canneries, Star-Kist and Pan-Pacific, employing approximately 6,000 people. I have approximately 1,000 tuna fishermen, and support industries that provide an additional 5,000 jobs. Mr. Chairman, I believe that the passage of the Caribbean Basin Initiative, without the tuna exemption, will place these 12,000 jobs in jeopardy.

I believe this because:

These canneries have already had to take drastic measures to confront their financial crisis. Pan-Pacific was forced to terminate 500 workers in October 1981. Star-Kist closed for a month earlier this year, and only reopened when management and the unions agreed to a wage freeze. Tuna fishermen have seen a 21-percent cut in their real wages.

Mr. Chairman, the transfer of tuna operations to new Caribbean basin locations is a real possibility because tuna processing is such a highly competitive industry. I have spoken to labor leaders in my district who tell me that competition from Caribbean processing plants would, under the provisions of this bill, force the closure or relocation of local canneries to the Caribbean area.

I am especially fearful that the job loss resulting from the failure to exempt tuna from duty-free treatment would be inflicted primarily on women and minority workers in my district, a district already suffering high unemployment.

In conclusion, Mr. Chairman, I respectfully urge that the House exempt processed tuna from the duty-free importation provisions of the Caribbean Basin Initiative.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Nebraska is recognized for 5 minutes.

There was no objection.

Mr. BEREUTER. Mr. Chairman, I rise in support of this amendment, and I would like to bring to my colleagues' attention the impact that duty-free tuna from a newly created tuna industry in the Caribbean basin nations (those with Pacific coast settings) would have in one particular part of the United States, American Samoa.

The tuna industry is by far the largest employment sector in American Samoa, and 90 percent of the exports from American Samoa are from the tuna industry. If the canneries on Samoa were to fold, unemployment there would soar to nearly 60 percent—and this on an island where the per capita income is currently only about $4,000 a year.

Mr. Chairman, I understand that some may feel it is not discrete to speak further on this amendment, but since there is some small opposition to the amendment and since this body needs to know more about American Samoa, I think it is important that we advance the very best reason possible for the exemption provided by this amendment.

There is probably no Member in the body that pays more attention to Caribbean and Latin American affairs than this Member. Accordingly, I strongly support the Caribbean Basin Initiative. I think however, on this amendment our focus, should be on American Samoa, one of our flag territories. I happen to admit to some personal conflict on this amendment and further exemptions, for I think that there are already too many exemptions to the Caribbean Basin Initiative as it is. But, as a Member who serves on the Territories Subcommittee of the Interior and Insular Affairs Committee, and as a person who toured the tuna canneries in American Samoa as recently as January, I want the Members to know that without this exemption the whole economy of American Samoa would be absolutely devastated. I understand the exemption is somewhat important to other parts of the world that are under the American flag too, including the San Diego area, but Members should know that 90 percent of the export economy of American Samoa consists of tuna.

In terms used by industrial developers, the tuna industry is "footloose." Certainly, the fleets that use the Pago Pago harbor are exceedingly footloose. So are the canneries because the capital investment in them is very small. Those two canneries, now operating at less than full employment because of existing conditions, are not only vitally important to American Samoa, they are also crucial as a source of employment for the adjacent independent nation of Western Samoa. Not only would this affect the tuna industry and the canning industry in American Samoa, but it would affect a fledgling but now thriving ship repair and refurbishing operation initiated by the Government of American Samoa with help from the Federal Government. That new operation is paying results today but it would fail without the tuna fleet drawn by the canneries. Closing of the canneries would also dash any hopes to establish a Samoan operated tuna fleet with American Samoans involved.

I would have to say one final thing: When it was suggested that there is some substantial impact and I would say that is an understatement—on American Samoa the only response from some policy advisors was, "Well, we can take care of it through the appropriation action in the next Interior Appropriation bill that comes before us."

I have to point out to the Members that the per capita appropriation for American Samoa has already gone down. Why devastate American Samoa and then use more taxpayer funds to partially compensate for that damage. Here is one amendment we should adopt if we do not want to hurt this particular flag territory.

Finally, let me, having looked at the great damage to the culture and heritage of some of our Micronesian Trust Territory islands I feel we must avoid such damage to American Samoa. Take a look at American Samoa. The family structure is as strong as we find any place in the world, and that is the

major factor explaining why they have survived without suffering from a severe case of the welfare syndrome which today pervades large parts of Micronesia.

So, I think it is extremely important that we not only adapt programs to the needs of American Samoa, and keep them from moving to a total orientation toward the welfare system. We certainly must avoid devastating this most important part of their economy and thus push them to a greater reliance on taxpayer-funded programs.

In short, I urge my colleagues to remember the absolutely disastrous effect that failure to pass this amendment would have on American Samoa.

Mr. PHILLIP BURTON. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I am pleased to yield to the distinguished gentleman from California.

Mr. PHILLIP BURTON. Mr. Chairman, I would like to commend the gentleman in the well and associate myself with his remarks with respect to American Samoa. As the gentleman stated, the tuna industry provides the overwhelming majority of private sector jobs. Without the adoption of this pending amendment we are either going to guarantee that they are in desperate economic straits or to the extent that they will become much more dependent on welfare than they want to be or that we ought to permit them to be.

The tuna industry provides jobs to our fellow Americans and nationals on American Samoa, and this amendment is imperative if their economy has a chance of succeeding.

Mr. BEREUTER. I thank the gentleman. Along with the distinguished delegate from American Samoa, the gentleman from California who just spoke is certainly the most knowledgeable person in this body on the affairs of American Samoa.

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

Mr. BEREUTER. I am pleased to yield to my very able colleague from California.

Mr. HUNTER. Mr. Chairman, I would like to commend the gentleman and associate myself with his remarks. I particularly like the message he has given that in fact the tuna industry allows our Samoans, and San Diegans, and Puerto Ricans to be proud and work. There is no substitute in social programs that could possibly substitute for the tuna industry in these parts of the country.

Mr. BEREUTER. I thank the gentleman for his remarks. Of course, this has no parochial interest to a landlocked State like my own, but I have seen and visited the tuna boats of our all too small tuna fleet in San Diego Harbor. I thank the gentleman for his comments and I conclude by asking for the Members strong support for this amendment.

● Mr. GUARINI. Mr. Speaker, I rise in support of the Ways and Means Committee amendments to H.R. 7397, Caribbean Basin Economic Recovery Act.

I would particularly like to thank Chairman ROSTENKOWSKI for offering as a committee amendment, an amendment to delete canned tuna from duty-free consideration in this legislation.

The American tuna industry has been found to be import sensitive by the International Trade Commission. By removing canned tuna from the list of duty-free items, we are helping to preserve the 40,000 to 50,000 jobs that exist in this industry on the U.S. mainland and in our possessions.

In Puerto Rico along, there are 13,000 direct and indirect jobs created by the tuna industry. With the unemployment rate in Puerto Rico around 25 percent, we cannot afford to jeopardize their import-sensitive industry.

The viability of the Puerto Rican tuna canneries is of direct concern to my district. Chicken-of-the-Sea Tuna canned in Puerto Rico comes into Port Elizabeth, N.J., is transported to Port Jersey, and from there it is sent to its destination in the New York/Philadelphia markets.

Mr. Speaker, there is currently over 13 percent unemployment in my district, over 16 percent unemployment in my home city. There are over 200 people employed in my district's tuna transport operation. We cannot afford to jeopardize their jobs and the jobs of thousands of other Americans.

There is one other point I would like to make. Currently, all of the tuna sent from Puerto Rico to the mainland comes on American-flag vessels. If the Caribbean tuna industry was to gain at the expense of the American tuna industry, our already declining fleet would suffer even harder times.

I urge the House to accept this committee amendment.●

The CHAIRMAN. The question is on the amendments offered by the gentleman from Illinois (Mr. ROSTENKOWSKI).

The amendments were agreed to.

Mr. ROSTENKOWSKI. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

Members will record their presence by electronic device.

The call was taken by electronic device.

The following members responded to their names:

[Roll No. 474]

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Applegate
Ashbrook
AuCoin
Badham
Bailey (MO)
Bailey (PA)
Barnard
Barnes
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Biaggi
Bingham
Bliley
Boggs
Boner
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brodhead
Brooks
Broomfield
Brown (CO)
Brown (OH)
Broyhill
Burton, Phillip
Byron
Campbell
Carman
Carney
Chappie
Cheney
Clausen
Clay
Clinger
Coats
Coelho
Coleman
Collins (IL)
Collins (TX)
Conable
Conte
Conyers
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
Crockett
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daschle
Daub
Davis
de la Garza
Dellums
Derrick
Derwinski
Dicks
Dingell
Dixon
Dorgan
Dornan
Dowdy
Downey
Dreier
Duncan
Dunn
Dwyer
Dyson
Early
Eckart
Edgar
Edwards (CA)
Edwards (OK)
Emerson
English
Erdahl
Erlenborn
Ertel
Evans (IA)
Evans (IN)
Fary
Fazio
Fenwick
Ferraro
Fiedler
Fields
Fish
Flippo
Florio
Ford (MI)
Ford (TN)
Forsythe
Fountain
Fowler
Frank
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Gonzalez
Goodling
Gore
Gradison
Gramm
Gray
Green
Gregg
Grisham
Guarini
Gunderson
Hall (IN)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Hefner
Heftel
Hendon
Hertel
Hightower
Hiler
Hillis
Hollenbeck
Holt
Hopkins
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Jacobs
Jeffords
Jenkins
Johnston
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kennelly
Kildee
Kindness
Kogovsek
Kramer
Lagomarsino
Lantos
Latta
Leach
Leath
Leland
Lent
Levitas
Lewis
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lujan
Luken
Lundine
Lungren
Markey
Marlenee
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
McClory
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell (MD)
Mitchell (NY)
Moakley
Molinari
Mollohan
Montgomery
Moore
Moorhead
Morrison
Mottl
Murphy
Murtha
Myers
Napier
Natcher
Neal
Nelligan
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Oxley
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pepper
Perkins
Petri
Peyser
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Railsback
Rangel
Regula
Rhodes
Rinaldo
Ritter
Roberts (KS)
Robinson
Rodino
Roe
Roemer
Rogers
Rose
Rostenkowski
Roth
Roukema
Roybal
Rudd
Russo
Sabo
Schneider
Schroeder
Schumer
Seiberling
Sensenbrenner
Shamansky
Shannon
Sharp
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
Stenholm
Stokes
Stratton

Studds	Walker	Wirth
Stump	Wampler	Wolf
Synar	Washington	Wolpe
Tauke	Watkins	Wortley
Tauzin	Weber (MN)	Wright
Taylor	Weber (OH)	Wyden
Thomas	Weiss	Wylie
Traxler	White	Yates
Trible	Whitehurst	Yatron
Udall	Whitley	Young (AK)
Vander Jagt	Whittaker	Young (FL)
Vento	Whitten	Young (MO)
Volkmer	Williams (OH)	Zablocki
Walgren	Wilson	

The CHAIRMAN. Three hundred forty-seven Members have answered to their names, a quorum is present, and the Committee will resume its business.

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AMENDMENT OFFERED BY MR. DE LUGO

Mr. DE LUGO. Mr. Chairman, I offer an amendment made in order under the rule.

The Clerk read as follows:

Amendment offered by Mr. DE LUGO: On page 17, after line 15, insert a new section 103(e) and change subsequent subsections enumerations accordingly:

(e)(1) For purposes of this subsection, the term "entered" means entered, or withdrawn from warehouse, for consumption within the customs territory of the United States.

(2) Duty-free treatment provided under this title during any calendar year after 1982 to bulk rum that is the product of a beneficiary country shall terminate for such portion of that year that remains after the quantity of such bulk rum which is entered during that year exceeds whichever of the following quota amounts is greater:

(A)(i) for calendar year 1983, an amount, as determined by the President, equal to 150 percent of the total amount of bulk rum that was the product of that beneficiary country and was entered during either 1980 or 1981, and

(ii) for each subsequent year after calendar year 1983 except as provided in subparagraph 3 of this subsection, an amount, as determined by the President, equal to 120 percent of the maximum amount of duty-free bulk rum allowable the preceding year; or

(B) 10,000 proof gallons.

(3) Unless the President determines, with respect to any calendar year after 1983, that the respective quantities of bulk rum which are the product of Puerto Rico and the United States Virgin Islands and are entered during that calendar year equaled amounts more than the greater of:

(A) 90 percent of the quantities of bulk rum produced in Puerto Rico and the Virgin Islands, respectively, and entered during calendar 1981, or

(B) 90 percent of the quantities of bulk rum produced in Puerto Rico and the Virgin Islands, respectively, and entered during the immediately preceding calendar year.

then the maximum amount of duty-free bulk rum from each beneficiary country allowable under clause (ii) of subparagraph (2)(A) of this subsection during the calendar year immediately following the year for which such determination was made shall be 100 percent of the maximum amount of duty free bulk rum allowable for the year for which such determination was made.

(C) The President may waive the provisions of subparagraphs 3(A) and 3(B) hereof if he determines that the reductions described therein were primarily the result of:

(i)(a) in the case of the Virgin Islands, competition from the bulk rum industry of Puerto Rico;

(i)(b) in the case of Puerto Rico, competition from the bulk rum industry of the United States Virgin Islands;

(ii) criminal acts;

(iii) concerted labor action; or

(iv) an act of God.

Mr. DE LUGO (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 the Virgin Islands?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from the Virgin Islands (Mr. DE LUGO) will be recongized for 15 minutes, and a Member opposed to the amendment will be recognized for 15 minutes.

Mr. ROSTENKOWSKI. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman from Illinois (Mr. ROSTENKOWSKI) will be recognized.

The Chair recognizes the gentleman from the Virgin Islands (Mr. DE LUGO).

Mr. DE LUGO. Mr. Chairman, I would like to ask that I reserve 2 minutes of my time for closing.

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

Mr. DE LUGO. I am happy to yield to the Resident Commissioner from Puerto Rico.

Mr. CORRADA. Mr. Chairman, I am pleased to join my colleague Mr. DE LUGO in offering this rum tariff-rate quota amendment. In its bare essence, it would allow for more rum entering the United States from Caribbean Basin nations duty free than ever before. For the first time, bottled rum—name brands that many people enjoy—will be totally free of tariffs. It shows that Puerto Rico and the Virgin Islands are willing to compromise on a question which, while clearly important to Caribbean Basin nations, is just as significant for the two U.S. domestic areas in the Caribbean.

The amendment has been outlined for you. I will not go over it again, but I would like to take a few moments to explain why it is so vitally needed.

We, in Puerto Rico, are proud of the fact that our rum has the largest share of the U.S. rum market. Our producers have worked hard, spent countless hours and millions of dollars in advertising and promotion to obtain this preeminent position. But the total duty-free importation of rum as put forth in the committee bill poses problems for both the government of Puerto Rico and our rum industry.

As you have heard, Puerto Rico and the Virgin Islands receive from the Federal Government the excise taxes collected on the sale of our rum. For Puerto Rico, this totaled $250 million last year. These funds became part of our General Treasury and are used for schools, roads, hospitals, economic development projects, public assistance, and a host of other uses. We count on these revenues to form the basis for our annual operating budget.

The CBI recognizes the importance of these revenues, and even assigns to us the revenues collected by the Federal Government on the sale of foreign rum.

Curiously, the CBI therefore protects these revenues but not the industry. The industry could actually leave the island and, under this bill we would still receive rum revenues.

Now, some of you might say, that is a very good deal; income, but no industry. I do not. Despite these protections, the rum industry itself needs the assistance of the compromise amendment offered today by Congressman DE LUGO and myself.

I do not wish to have this phantom source of income. It is wrong, and moreover, should it occur, the funds rebated to Puerto Rico would be a prime target for reducing the Nation's overall budget deficit. We might lose in the end both the industry and the income if this amendment is not adopted.

The rum industry is itself important. It generates on the island $100 million each year in wages, salaries, material purchases, and services. While the direct jobs are few, the income generated by these companies in Puerto Rico is large.

Those who oppose the amendment argue that in Puerto Rico current tax advantages will keep these firms from leaving. In the case of two of the three rum producers these tax advantages end well before the 12-year limit for the free trade zone is reached. Since the capacity to produce rum in these other nations already exists, the possibility, therefore, exists that the Puerto Rican rum producers could indeed transfer their production out of Puerto Rico at the end of this tax exemption.

Therefore, despite our large share of the rum market in the United States, the CBI does pose real problems for Puerto Rico. We recognize that rum is a source of pride to these Caribbean nations and we wish to accommodate their desires. This amendment does that. It responds both to the wishes of these nations as well as to the legitimate needs of Puerto Rico and the Virgin Islands. It is a balanced amendment, and I urge my colleagues to support it.

Mr. DE LUGO. I thank the gentleman and cosponsor of this amendment.

Mr. Chairman, from the beginning, I have consistently supported President Reagan's intention to address the long-simmering problems of our neighbors in the Caribbean Basin. We in the

U.S. Virgin Islands know firsthand of the economic and political problems of the area for the people in these islands are our closest neighbors. In fact, one-half of my constituents come from these other islands.

I have from the beginning indicated my willingness and the willingness of the people of the U.S. Virgin Islands to assist the administration in achieving the goals set by the President.

Those goals, outlined by the President, were to bolster the economies of the Caribbean and to prevent the spread of political instability. At the same time, the President insisted that the U.S. possessions in the Caribbean were to be "enhanced" and not hurt by his new policies.

Mr. Chairman, the legislation that is before us now eliminates safeguards for our rum industry and completely dilutes our convention tax benefits advantage—two devastating blows to our two major industries. This legislation will certainly not enhance the U.S. possessions, it will only serve to pit us against our brothers and sisters in the Caribbean in a battle for economic survival. It is a no-win situation for the territories, for the Caribbean countries, or even for the United States.

I am not going to go into the technical details of the rum amendment I am offering today. Those details were all spelled out in the letter I sent to every Member of the House this morning.

What is important here is the bottom line: The economic bottom line and the political bottom line.

Economically, my amendment will allow the rum producing countries of the Caribbean to increase their exports of rum to the United States by 1,400 percent, and to enter that rum duty-free with the United States, It also allows the territorial rum industry to survive, to be able to withstand this massive increase in competition in a very price sensitive, bulk rum "pennies count" industry.

Politically, my amendment is based on a compromise that I worked out with the U.S. Trade Ambassador William Brock when he recognized the logic of maintaining these healthy industries in the territories. My amendment goes even beyond that compromise that Ambassador Brock and I agreed to. It gives two key additional concessions in direct response to the request made to me personally by the Ambassadors of Jamaica and Barbados. For them it is a political victory. To my mind, it is also another clear-cut indication of the willingness of the U.S. citizens in the territories to help make CBI work. For we want it to work, we live in the Caribbean. We are the United States in the Caribbean.

I recognize all the pressure that the Ways and Means Committee has been under with this bill. And, I appreciate very much the consideration its members, the chairman of the committee, the gentleman from Illinois, the ranking Republican member, the gentleman from New York, and the chairman of the subcommittee, the gentleman from Florida, has given to the territories in their deliberations.

I am not attempting here to thwart the will of the committee, or to thwart the will of the administration, or to undermine the CBI. I am attempting here to make this legislation a threat to no one, to make this legislation a positive force that will bring stability and strength to all the Caribbean—our neighbors and our U.S. territories.

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

Mr. DE LUGO. I yield to the gentleman from California.

Mr. ANDERSON. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this equitable and fair amendment offered by our colleague from the Virgin Islands, the Hon. RON DE LUGO.

As you know, this amendment would simply impose a tariff rate quota on the amount of bulk rum that can enter this country duty free from eligible Caribbean Basin countries.

It is important to note that if this amendment is not adopted it would void the terms of a compromise agreement in this area worked out between our U.S. Trade Representative, Bill Brock, and representatives from the Virgin Islands. In addition to this, the de Lugo amendment includes language requested by the Jamaican and Barbados Ambassadors to liberalize their own rum operations. As we know, these two countries are two of the largest rum producers in the world.

However, I feel that the most compelling argument for us to support the de Lugo amendment is the fact that the Virgin Islands is a U.S. territory. It is because of this position that the Virgin Islands is treated—in terms of our laws—as if it was our 51st State.

Thus, they must comply with our labor laws, environment regulations, and all other statutory requirements. Obviously this puts the Virgin Islands at a severe disadvantage in trying to compete with its Caribbean neighbors. For example, the wage requirements alone place the Virgin Islands at a competitive disadvantage. The average salary, in terms of U.S. dollars, for a worker in the Virgin Islands rum industry is over $200 per week. In contrast, the salary for a worker in the Jamaican rum industry could be as low as 45 cents per hour—or $18 per week.

It is readily apparent that if we were to allow the Caribbean Basin Initiative to pass without the de Lugo amendment—which only applies to bulk rum—it could spell disaster to one of the most important industries in our Virgin Islands.

Mrs. COLLINS of Illinois. Mr. Chairman, will the gentleman yield?

Mr. DE LUGO. I yield to the gentlewoman from Illinois.

Mrs. COLLINS of Illinois. Mr. Chairman, I applaud the gentleman for his amendment and rise in support of it.

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

Mr. DE LUGO. I am happy to yield to the gentleman from Indiana.

Mr. MYERS. I thank my colleague for yielding.

I realize the sensitive nature of this compromise that has been worked out between the administration and the Ways and Means Committee. But the amendment offered by the gentleman I think is an effort that will be a self-help, it seems to me, and does the least damage and still helps the purpose of this act.

I rise in support of this amendment.

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

Mr. DE LUGO. I yield to the gentleman from Louisiana.remarks.)

Mr. ROEMER. Mr. Chairman, I rise in support of the gentleman's amendment.

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

Mr. DE LUGO. I yield to the chairman of the Interior and Insular Affairs Committee, a good friend of the territories.

Mr. UDALL. I congratulate my friend on his amendment. I think this gives the Virgin Islands and Puerto Rico something they are entitled to, a little bit of consideration, and I strongly support the gentleman's amendment.

Mr. DE LUGO. I thank the gentleman and reserve the balance of my time.

The CHAIRMAN. The gentleman has consumed 7 minutes.

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

Mr. ROSTENKOWSKI. Mr. Chairman, I rise to oppose the amendment, and I yield 4 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

The CHAIRMAN. Without objection, the gentleman from Minnesota (Mr. FRENZEL) is recognized.

There was no objection.

Mr. FRENZEL. Mr. Chairman, the previous speaker indicated that the Virgin Islands wanted to assist in the Caribbean Basin Initiative.

Assistance like that will kill the bill. If this amendment is passed I can assure you that it will do more damage to the CBI than anything this body can do today.

He also indicated that his letter spelled out the details of his amendment. It does not. He also indicated that the Ambassador of Jamaica sup-

ported his amendment. I received a letter today from that gentleman saying he opposes it.

Rum is a symbol of the Caribbean area. If we restrict shipments of rum under this Caribbean Basin Initiative we are going to be insulting the governments of that area and casting real doubts as to whether this country means what it says about offering market access.

Mr. Chairman, the gentleman from the Virgin Islands also said he had an arrangement with Ambassador Brock. As far as I know, I have not seen any signed statement on that.

The gentleman had no arrangement with our committee which considered his suggestions and rejected them as unnecessary. Our committee heard from the gentleman and the Ambassador, and we accepted the Ambassador's advice.

We have provided in section 104 about six special single, double, triple, and quadruple dips for the Virgin Islands and Puerto Rico. As a matter of fact, right now those countries get $289 million direct from the Treasury of the United States, without benefit of appropriation, as a result of shipments of rum to the United States.

There are only 94 jobs in the gentleman's Virgin Islands territory. The Virgin Islands are getting $38 million a year direct from the Treasury as a result of rum excise taxes paid in the United States.

□ 1430

The Virgin Islands and Puerto Rico have 97 percent of our rum market. The Virgin Islands gets $38 million direct outpouring of money from the Treasury without appropriation to support those 94 jobs.

I have got a city in my district that has about the population of the Virgin Islands. I would like to build a rum distillery so that my city can get its $38 million too.

Mr. Chairman, we have lavished affection and dollars on the Virgin Island and on Puerto Rico. What the gentleman asks in his amendment will shatter the Caribbean Basin Initiative, destroy the administration's program, and give needless extra benefits to an area which does not need them or deserve them.

Mr. CONABLE. Mr. Chairman, I yield myself the balance of the 4 minutes yielded to me by Chairman ROSTENKOWSKI.

Mr. Chairman, the people of Puerto Rico and the Virgin Islands have a very substantial claim on our attention and on our earnest consideration, and they have received that from the Ways and Means Committee in the formulation of this legislation.

If I could explain to my friends the source of the money that the gentleman from Minnesota referred to, it is a rebate of the excise tax collected on the rum manufactured in these two places. It represents a very substantial benefit to the two American possessions and offers them a unique source of revenue that is not available to others.

This bill, in addition, would rebate the excise tax on rum produced in other countries in the Caribbean area. But the gentleman from the Virgin Islands would like to have, in addition to that, a further benefit. It seems to me that the amendment that he seeks would go beyond the bounds of generosity that have already been stretched considerably by the committee, by imposing, in effect, a quota for the benefit of these two possessions to help them maintain the 97-percent of the American market they now have.

I think we have every reason to want to help Puerto Rico and the Virgin Islands, but I think we have helped them adequately. It seems to me that the purpose of this legislation was not to increase the subsidies available to them as a result of their manufacture of rum, but to permit the Caribbean Basin, where rum is considered a symbolic product, a product of long standing and of historic importance, also to participate in the very fast growing American market.

I would understand the concern of Puerto Rico and the Virgin Islands if the rum industry was in fact in bad trouble. But it is not. The demand for rum in this country is growing very fast at this point, and the purpose of the legislation is to permit the other Caribbean countries to participate in very small part in the expanding market.

Mr. DE LUGO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. JENKINS), a member of the committee.

Mr. JENKINS. Mr. Chairman, I have no parochial interest in this. My only interest is that we look after the possessions, and I think the committee has done an injustice to the Virgin Islands and Puerto Rico, and I want to address that point and tell the Members where this fight is really coming from.

As the gentleman from Minnesota and the gentleman from New York indicated, we are going to rebate to the Virgin Islands and to Puerto Rico their loss in revenue. Are we not generous? They are not even asking for it. It is not they who are seeking it. The United States of America is saying, "Look, we are going to destroy your domestic industry, but we will pay you." Is that not great? We are so generous.

Well, I say to you that the real interest in this fight is the Canadian liquor interest that controls the Jamaican rum industry. And what do they do to U.S. rum from the Virgin Islands? They charge $1.50 a gallon for every gallon of rum from the Virgin Islands to come into Canada today. And yet we want the American taxpayer to pick up this difference, to pay the Canadian liquor industry that controls the Jamaican liquor industry.

Now, let me tell you, my friends, in this 3 minutes you had better think for yourselves because these are American citizens of the Virgin Islands that we may hurt. Today there are 2.6 million gallons of Jamaican rum in the warehouses in this Nation. The tariff has not yet been paid. If you pass this bill without the de Lugo amendment, then there is an immediate $3 million subsidy to the Canadian liquor industry.

Oh, yes, the big players in this are not the little jobs that are going to be created. As the gentleman from Florida indicated, 94 jobs in the Virgin Islands produces over 3 million gallons of rum that comes into this country now. This is not the big issue. The big issue is the big dollars that are involved, far removed from these islands.

I say to the Members that the citizens of the Virgin Islands and of Puerto Rico, our territories, American citizens, deserve your attention. This Representative from the Virgin Islands deserves your vote. He and his family have been there for two centuries. He is no newcomer. I have never been there. I have no personal interest; none whatsoever. But I tell you that this could be an embarrassment for us to undercut our American citizens there in favor of a Canadian company. I urge you to vote for the de Lugo amendment. Do not try to buy him off by telling him, "We are going to compensate you for your loss." The do not ask for it. They simply want to remain in the American marketplace in the trade area. This is an amendment that I urge my colleagues to support. I thank the Members for their attention.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. ANTHONY).

Mr. ANTHONY. Mr. Chairman, I think there have been some facts laid out here that need to be corrected to a considerable extent.

The Virgin Islands and Puerto Rico, our American citizens, have they been mistreated? We are giving them a turnback of the excise taxes. When the gentleman from Georgia (Mr. JENKINS) said that they did not ask for it, a trade representative before the full committee stated that that was one of the first concessions that the gentleman from the Virgin Islands (Mr. DE LUGO) asked for and did receive before the bill was even put in bill form.

In addition to that, there is an exemption in there from EPA regulations. In a separate piece of legislation there is the ability to manufacture

watches by putting the parts together. That bill has passed the House. A similar provision is in a bill that presently is over in the other body. On the tax side, where these countries in the Caribbean do not get any tax benefits, because we did not see fit to put that in this section this year but may address it next year, you have section 936, that Puerto Rico, and section 934, that the Virgin Islands participate in. Over and above that, scattered throughout our entire Federal Internal Revenue Code, there are several income tax exemptions that are special for Puerto Rico and the Virgin Islands which encourage domestic companies to go into those two areas and to invest. There are no similar provisions that will be going into the countries that will hope to participate in the Caribbean Basin Initiative.

So when you take into consideration all of the things that we have put into our statutes and the things that we are going to put into it if this passes, we can safely say, if it passes, and if the de Lugo amendment goes down, that we have treated those American citizens more than fairly. So do not feel ashamed if you do vote against the de Lugo amendment. We have made adequate concessions.

We have had a growth in the rum market like you have never seen. It has grown since 1966 at a rate of 70 percent every 5 years. All these small countries are asking you to do is to be able to participate without a quota and without a trigger mechanism, to be able to come in and buy just a small part of that increase in the future. We are talking about dollars. Let us put it in some type of perspective; $100 million to Puerto Rico and the Virgin Islands in 1981. What did all of the Caribbean countries get? Four million dollars. Now, you tell me where these little bitty countries are going to come in and run Bacardi out of business, where they are going to come in and suddenly be a threat to an industry that has a foothold of $100 million to $4 million and is expected to grow faster than any other of the distilled spirits.

Let us talk about symbolism. The gentleman from New York (Mr. CONABLE) made the point, and it needs to be reemphasized. Rum is symbolic to Puerto Rico, and it is symbolic to the Virgin Islands. I recognize that. I am sensitive to that. But we have taken out everything that these people have an opportunity to participate in. They can go tourism, and they can go rum. If we put quotas and trigger mechanisms on rum, it definitely will have a chilling effect. Why would any investor go in and try to make a long-range commitment to penetrate a growing market if they know that their success will only bump them up against a quota? No reasonable businessman is going to go in. That chilling effect will continue to hold these people down.

What do they need? More than form, they need some substance, and here is the one area that this body can give. We can give them some form, we can give them some substance, and we can still say that we have not hurt Puerto Rico and we have not hurt the Virgin Islands. In fact, we have treated them more than adequately and more than fair. We will make some strong friends down in the Caribbean, and that is exactly what we need to do.

Mr. CORRADA. Mr. Speaker, will the gentleman yield?

Mr. ANTHONY. I yield to the gentleman from Puerto Rico.

Mr. CORRADA. Is the gentleman aware that the Caribbean Basin countries can increase their current import of rum up to 150 percent and bring them free of tariff, under the de Lugo amendment, and still this will not trigger the tariff, and that only if the current volume of sales in Puerto Rico and the Virgin Islands are reduced to 90 percent or less would the trigger mechanism be in place.

Mr. ANTHONY. What is so detrimental about that 90-percent trigger—and I hope you will listen to this—the 90-percent trigger does not say "Puerto Rico and the Virgin Islands." It says "Puerto Rico or the Virgin Islands," which means that if the Virgin Islands industry, for a noncompetitive reason, decides to shut down or has to shut down—it can even be for some mechanical failure—then the trigger could go in, and all of the people in the Caribbean Islands who have tried to penetrate the market will suddenly bump the trigger and will have to stop. That makes absolutely no sense to me.

Mr. Chairman, I urge the defeat of the de Lugo amendment.

Mr. DE LUGO. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. SHANNON), a member of the committee.

Mr. SHANNON. I thank the gentleman for yielding.

Mr. Chairman, first of all, I want to associate myself with the remarks of our eloquent colleague, the gentleman from Georgia (Mr. JENKINS), whom I think made a compelling case for this amendment.

You know, we hear lots of fights on this floor between different States of the United States over funding formulas, over authorization language. This is not the same sort of fight. This is a fight between American possessions and foreign countries. The argument is not whether or not the money is going to go to Oklahoma or Massachusetts. The argument is whether or not jobs are going to stay in the United States or whether they are going to go abroad.

We talk here and we have heard the opponents of this amendment talk as if the people of the Virgin Islands and Puerto Rico should be grateful to us, appreciative, because we are not hurting them as much as we might have.

Well, that is just not the way we should be acting. This is a close call. If you think there is any merit to the arguments of the gentleman from the Virgin Islands at all, I ask you, resolve this question on behalf of the people of the United States, the citizens of Puerto Rico, the citizens of the Virgin Islands. The CBI is not going to stand or fall on what happens to this amendment. But the lives of many American citizens will be determined by what we do with this amendment.

Mr. DE LUGO. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. FOWLER), a member of the committee.

Mr. FOWLER. Mr. Chairman, I also want to associate myself with the remarks of Mr. SHANNON, the gentleman from Massachusetts, and my colleague from Georgia.

My friends, I think we all ought to get a little bit upset when the primary argument against this amendment is how generous we are being to American citizens and raise some suspicions that generosity has been exceeded when we are talking about American citizens. The big boys, the textile industry, the shoe leather industry, the tuna industry, possibly the tobacco industry, have exempted themselves from this bill.

□ 1445

Far beyond any bounds of generosity, the ultimate goal of this bill, the entire CBI bill, is not only to create opportunity, fulfill all sorts of constitutional principles and promises, but also to look down the road so that many people in the Caribbean do not end up on welfare rolls in the continental United States of America.

I urge my colleague to support the de Lugo amendment.

Mr. DE LUGO. Mr. Chairman, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. RUSSO).

Mr. RUSSO. Mr. Chairman, a lot has been said about whether or not this committee has been fair. I think my two colleagues on the committee have not been totally accurate about how fairly we have dealt with Puerto Rico and the Virgin Islands.

Let us go over the figures. I think it is important to look at the figures.

Right now Puerto Rico and the Virgin Islands have 97 percent of the U.S. market for rum. Out of 27 million gallons that are imported to this country, they have over 25 million gallons coming in. The Caribbean nations import fewer than 1 million gallons.

Now let us look for a moment at how much of the excise tax on rum we are rebating to these two territories.

Under present law Puerto Rico and the Virgin Islands are getting over $280 million in such rebates. In addition, when they came in and talked to the Special Trade Representative, they requested a rebate on the excise tax paid on Caribbean rum. That is an additional $117 million over a 5-year period.

I think the committee has tried to address the needs of our fellow Americans in the U.S. possessions, we certainly tried to deal with them honestly and fairly. For example, we have given them regulatory relief under the bill for certain effluent discharges from their rum plant.

The question is whether or not these small countries which import 800,000 gallons are going to have an opportunity to participate in this marketplace. Considering how generous we have been to our fellow Americans in Puerto Rico and the Virgin Islands, what we need to do now is make sure that we give the Caribbean countries an opportunity to get into a marketplace which has grown over 332 percent during the last 20 years and has a growth rate of 70 percent every 5 years.

We want these little countries to have an opportunity to get part of that action. And if we are serious about having something significant, let us make sure we defeat the de Lugo amendment, because we need to be fair and equitable.

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

Mr. RUSSO. I yield to the gentleman from Minnesota.

Mr. FRENZEL. I thank the gentleman for yielding.

The gentleman has described the industry as growing more than 10 percent a year, the market, and the dominance in that market by the possessions as 97 percent. Can the gentleman see any reason for Puerto Rico or the Virgin Islands to fear those tiny little countries down there bothering them, that would cause them to ask for this extra protection?

Mr. RUSSO. I do not think it will affect them. But the money we are turning over to them is then used to subsidize some of their products. In fact, even if we take the duty off the Caribbean products, their costs are still going to be from 35 to 60 percent higher than the Puerto Rican or Virgin Islands rum producers.

So we are not hurting our possessions whatsoever.

We talk about jobs. Total employment is 94 jobs in the Virgin Islands and 2,000 jobs in Puerto Rico. They are more than protected by the generous sums of money we are rebating to them under this particular legislation.

Mr. FRENZEL. Do we not subsidize the Virgin Islands in this bill by relieving them of clean water requirements, and do we not subsidize Puerto Rico through section 936 tax advantage?

The CHAIRMAN. The time of the gentleman from Illinois (Mr. RUSSO) has expired.

Mr. DE LUGO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to point out to the Members a lot has been said about 936. Section 936 does not apply to the Virgin Islands. The gentleman from Illinois makes a good point about the fact that 97 percent of the rum market is presently held by the possessions. The Virgin Islands only has 10 percent of that.

It is the Virgin Islands that is extremely vulnerable to what is being proposed here.

I would like to also point out that I did not ask for the return of the foreign excise taxes in meetings with USTR. It has also been said there was no signed agreement. I have the signed agreement here signed in my office by the representative of Ambassador Brock, after Ambassador Brock asked me to negotiate with him. It is right here in my hand. Anyone can see it.

I would also like to point out it has been said that the wage rates are similar. Let me point out in the U.S. Virgin Islands, a worker in the rum industry gets $196.40 a week. In Barbados, the wage rate is $90 a week. And in the Dominican Republic, it is 65½ cents an hour to $1.69.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. PHILLIP BURTON), who has been a longtime friend of the territories.

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

Mr. PHILLIP BURTON. I yield to the gentleman from New York.

Mr. GARCIA. Mr. Chairman, I rise in support of the amendment.

Mr. PHILLIP BURTON. Mr. Chairman, I try as a general rule not to involve myself in debates on other committees' jurisdiction.

I myself am of the view that the Committee on Ways and Means over the years has been quite sensitive to the needs of the various insular areas.

I know that in this legislation, the committee had a Scylla and Charybdis problem.

I am in support of the amendment, not only on its independent merits—but also because once again, we see the insular areas of the United States—without any malevolence—paying an improper price for what is deemed by others to be higher national policy interests.

Now, it should come as no surprise that Puerto Rico and the Virgin Islands are subject to our constitutional arrangements.

The Virgin Islands found themselves under a court decision, some 5 years ago where the courts ruled quite properly, I believe, that the Virgin Islands had to assume responsibility to educate all the alien children living in the Virgin Islands.

Every time there is a switch in governmental status in the Caribbean, a fair number of people move up north from down island into the U.S. Virgin Islands for all the reasons we might suspect.

And so today the Virgin Islands, without an added dime of Federal educational assistance, has a majority of the children in its schools being the children of non-U.S. citizens.

Now, I stated I thought the Court decision was right. But the people of the Virgin Islands did not ask to be confronted with this great fiscal burden.

Let us protect our insular areas in the process of adopting national policy.

I urge an "aye" vote on the amendment.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield my remaining time to the gentleman from Michigan (Mr. BRODHEAD.)

The CHAIRMAN. The gentleman from Michigan is recognized for 3 minutes.

Mr. BRODHEAD. Mr. Chairman, I rise in opposition to the amendment. I certainly concur with everything that has been said here to the effect that these are American citizens that we are talking about in these islands and that we have a special obligation to them.

But I think as the gentleman from California, the previous speaker, has conceded, the Ways and Means Committee over the years has been extremely generous. And I think that we have met that obligation, those series of obligations.

Let us understand what we are talking about here. We are just talking about the rum industry and just talking about the Virgin Islands and Puerto Rico. It is important to understand that this is a very, very heavily subsidized industry, subsidized by American taxpayer dollars. It is a very heavily protected industry, protected by American taxpayer dollars. The funds that they use, many of the funds they use for advertising come directly out of the U.S. Treasury. Many of the funds that they use for promotion come out of the U.S. Treasury.

This legislation contains a complete pass-on environmental regulation for the distillery in the Virgin Islands. They are exempt from EPA requirements to the point where they can dump the effluent from their plant directly into the Caribbean.

So if we have an obligation to try to do something for this industry that obligation I submit has been met.

Even with this legislation, because of all the subsidies that we provide, the product of these plants can be sold,

will be sold, is being sold in the United States 35 to 50 percent cheaper than the product in the Caribbean.

So we are giving them special advantage, special protection. By the de Lugo amendment they are asking for even more, they are asking for quotas.

I submit they ought to try to compete in the market because they are very heavily subsidized anyway and given these advantages.

This is too much. This will make the legislation virtually meaningless. There is very little these people can do down there. I do not think it is going to cause anybody jobs, because as has been pointed out here we are talking abut a growth industry, we are talking about a very rapidly growing market in the United States for rum. There is plenty to go around. And we are not talking about little mom and pop enterprises either. It is important to recognize that. We are talking about giant multinational corporations that own these distilleries, in many cases not even American based.

So we are not talking about protecting a little native enterprise. We are talking about giving further advantage to a very heavily protected, very heavily subsidized industry. And I think that it goes too far.

I urge in the interests of sound policy, in the interests of having this legislation made any sense at all, that we oppose the de Lugo amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from the Virgin Islands (Mr. DE LUGO).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 171, noes 226, not voting 36, as follows:

[Roll No. 475]

AYES—171

Addabbo
Akaka
Albosta
Alexander
Anderson
Annunzio
Aspin
Atkinson
AuCoin
Barnard
Bedell
Bennett
Bevill
Biaggi
Bingham
Boland
Boner
Bowen
Breaux
Brinkley
Brooks
Burton, John
Burton, Phillip
Chappell
Chisholm
Clausen
Clay
Coelho
Coleman
Collins (IL)
Conyers
Crockett
D'Amours
Daschle
Davis
de la Garza
Dellums
DeNardis
Dingell
Dixon
Donnelly
Duncan
Dwyer
Dyson
Early
Eckart
Emery
English
Ertel
Evans (IN)
Fary
Fazio
Ferraro
Florio
Foglietta
Ford (MI)
Ford (TN)
Fountain
Fowler
Frank
Garcia
Gejdenson
Gilman
Ginn
Gonzalez
Gore
Gray
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hammerschmidt
Hawkins
Hefner
Heftel
Hertel
Hollenbeck
Holt
Hopkins
Howard
Hoyer
Huckaby
Hughes
Jeffords
Jenkins
Jones (NC)
Jones (OK)
Kastenmeier
Kazen
Kildee
Kogovsek
LaFalce
Lagomarsino
Lantos
Leland
Levitas
Long (LA)
Lowry (WA)
Lujan
Lundine
Markey
Martinez
Mavroules
McHugh
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Mollohan
Murphy
Myers
Napier
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Ottinger
Patman
Patterson
Pease
Pepper
Peyser
Quillen
Rangel
Rinaldo
Rodino
Roe
Roemer
Rogers
Rose
Rosenthal
Roth
Roybal
Sabo
Savage
Scheuer
Schneider
Schroeder
Seiberling
Shannon
Sharp
Shelby
Simon
Skelton
Snyder
St Germain
Stark
Stokes
Stratton
Swift
Synar
Traxler
Udall
Vento
Volkmer
Walgren
Wampler
Washington
Watkins
Waxman
Weaver
Weiss
White
Whitley
Williams (MT)
Wright
Wyden
Young (MO)

NOES—226

Andrews
Anthony
Applegate
Archer
Ashbrook
Badham
Bafalis
Bailey (MO)
Bailey (PA)
Barnes
Beard
Beilenson
Benedict
Bereuter
Bethune
Bliley
Boggs
Bonior
Bonker
Bouquard
Brodhead
Broomfield
Brown (CA)
Brown (CO)
Brown (OH)
Broyhill
Burgener
Butler
Byron
Campbell
Carman
Carney
Chappie
Cheney
Clinger
Coats
Collins (TX)
Conable
Conte
Corcoran
Coughlin
Courter
Coyne, James
Coyne, William
Craig
Crane, Daniel
Crane, Philip
Daniel, Dan
Daniel, R. W.
Dannemeyer
Daub
Derwinski
Dickinson
Dicks
Dorgan
Dornan
Dougherty
Dowdy
Downey
Dreier
Dunn
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Erdahl
Erlenborn
Evans (DE)
Evans (IA)
Fenwick
Fiedler
Fields
Fish
Fithian
Flippo
Forsythe
Frenzel
Frost
Gaydos
Gephardt
Gibbons
Gingrich
Glickman
Goodling
Gradison
Gramm
Green
Gregg
Grisham
Gunderson
Hall, Ralph
Hall, Sam
Hance
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Heckler
Hendon
Hightower
Hiler
Hillis
Hubbard
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffries
Jones (TN)
Kemp
Kennelly
Kramer
Latta
Leach
Leath
LeBoutillier
Lent
Lewis
Livingston
Loeffler
Long (MD)
Lott
Lowery (CA)
Luken
Lungren
Madigan
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mattox
Mazzoli
McClory
McCloskey
McCollum
McCurdy
McDade
McDonald
McEwen
McGrath
McKinney
Michel
Miller (OH)
Mitchell (NY)
Molinari
Montgomery
Moore
Moorhead
Morrison
Mottl
Murtha
Natcher
Nelligan
Nelson
O'Brien
Oxley
Panetta
Parris
Pashayan
Paul
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Railsback
Regula
Reuss
Ritter
Roberts (KS)
Robinson
Rostenkowski
Roukema
Rudd
Russo
Sawyer
Schumer
Sensenbrenner
Shamansky
Shaw
Shumway
Siljander
Skeen
Smith (AL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (OR)
Snowe
Solarz
Solomon
Spence
Stangeland
Staton
Stenholm
Studds
Stump
Tauke
Tauzin
Taylor
Thomas
Trible
Vander Jagt
Walker
Weber (MN)
Weber (OH)
Whitehurst
Whittaker
Whitten
Williams (OH)
Wilson
Wirth
Wolf
Wolpe
Wortley
Wylie
Yates
Yatron
Young (FL)
Zablocki

NOT VOTING—36

Blanchard
Bolling
Deckard
Derrick
Dymally
Evans (GA)
Fascell
Findley
Foley
Fuqua
Goldwater
Hagedorn
Holland
Horton
Johnston
Kindness
Lee
Lehman
Marks
Marlenee
Mica
Mitchell (MD)
Moffett
Rahall
Ratchford
Rhodes
Roberts (SD)
Rousselot
Santini
Schulze
Shuster
Smith (PA)
Stanton
Winn
Young (AK)
Zeferetti

□ 1510

Mr. LUKEN changed his vote from "aye" to "no."

Mr. BRINKLEY and Mr. CLAUSEN 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. HOPKINS

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

The Clerk read as follows:

Amendment offered by Mr. HOPKINS: Page 11, line 21, strike out "or".

Page 11, line 24, strike out the period and insert in lieu thereof "; or".

Page 11, after line 24, insert the following new paragraph:

(4) tobacco and tobacco products provided for in part 13 of schedule 1 of the TSUS.

The CHAIRMAN. Pursuant to the rule, the gentleman from Kentucky (Mr. HOPKINS) will be recognized for 15 minutes in support of his amendment, and a Member opposed to the amendment will be recognized for 15 minutes.

Mr. ROSTENKOWSKI. Mr. Chairman, I am opposed to the amendment.

The CHAIRMAN. The gentleman will be recognized.

The Chair recognizes the gentleman from Kentucky (Mr. HOPKINS).

Mr. HOPKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment adds to those items that are excluded from duty-free treatment as provided for in section 103(b), all tobacco and tobacco products.

Mr. Chairman, let me take this opportunity to say that I am not opposed to what the President is seeking to do with the Caribbean Basin Initiative concept. I applaud his efforts to economically assist the Caribbean countries. I am concerned, however, that this assistance not be to the detriment of American citizens. As ranking minority member of the Subcommittee

on Tobacco and Peanuts, of the Committee on Agriculture, and the Representative from the largest burley tobacco producing congressional district in the country, I am particularly alarmed by the potential for economic harm to America's tobacco producers.

Let me go into a little background—to refresh this same legislative body of the lashes already whipped upon the tobacco farmer. As you remember, earlier this year, we passed the No Net Cost Tobacco Program Act. The intention of this bill was that the tobacco program, beginning with the 1982 crop, will operate at no net cost to the American taxpayers, except for administrative expenses. This means that tobacco producers will pay any losses on price support loans. We accepted this—gracefully—and fought to make certain it was fair to all tobacco producers. Since then, a no net cost tobacco fund has been established by each tobacco cooperative to cover any potential losses and producers are required, as a condition of eligibility for price support loans, to contribute. Contribution to this fund is based on the amount of tobacco marketed. This year, burley producers were required to contribute 1 cent per pound, and Flue-cured producers contributed 3 cents per pound. We are in the first year of operation of this law and already, in my opinion, the law has been abused by the USDA. So far, both major kinds of tobacco, burley and Flue-cured, have taken cuts in the increases expected for price supports. The national marketing quota for Flue-cured tobacco for 1983 has been cut by 10 percent—the burley quota, which will be announced by February 1, is being examined now to determine if a cut will be announced. Tobacco producers are left with trying to correct the problems associated with the operation of their price support program—and, in regards to this Caribbean Basin Initiative—they cannot operate efficiently with potential interference from duty-free tobacco.

Imports of tobacco have been increasing steadily in recent years. In 1972, total imports of unmanufactured tobacco for which duties were paid were 229 million pounds. In 1981, that figure had increased to 396.8 million pounds. With the duty-free treatment of tobacco from Caribbean countries as provided for in H.R. 7397, the possibility exists for further increases in imports.

I am distressed by this possibility. If larger quantities of cheaper, imported tobacco begin to enter this country, there is no doubt in my mind that this tobacco will be bought instead of our American-grown tobacco. Let me set up a possible scenario. The marketing quota for any particular year attempts to forecast the amount of tobacco needed for domestic and foreign markets, with a slight carryover. When a marketing quota is announced by the Government, individual farmers are told how much tobacco they will be allowed to market. Based on this quota, whatever it is for that year, they make plans—credit plans, plans for the purchase of seed, fuel, and fertilizer, plans for labor needs, and so forth. After they harvest, the farmers go to market expecting some fair return on their investments, only to find out that the buyers do not need quite as much tobacco as they planted—either buyers do not want it or they offer a low price for it.

Why has this happened?

I will tell you why—because cheaper tobacco has become available and buyers, who understandably are looking for the best price, are simply purchasing the cheapest tobacco. Then, if that home-grown tobacco is not sold at auction for at least 1 cent more than the established price-support, loan level, it goes into the pool—in other words, under loan. The farmer, as I mentioned earlier, is responsible for any losses that might occur on sale of this loan tobacco. That is where his contribution to the no net cost fund comes in. If that loan tobacco can only be sold at a loss, the farmer's contribution to the no net cost fund increases the next year if the fund is not large enough. Understand—at this point, the imported tobacco is no longer duty free. Who is paying the duty? I will tell you who—the American tobacco farmer, that is who.

Unless my amendment passes, this is exactly what will happen—the tobacco farmer, which already pays for grading services; puts money in a no net cost fund; has had the price support unexpectedly cut; and which is or probably is going to have growing quotas cut.

This tobacco farmer is going to have to bear the brunt of further Government abuses.

I am all too well aware there are very few bleeding hearts for tobacco. But, tobacco has been the guinea pig of all the commodities too long.

Tobacco is the only price-support commodity that is required by law to operate at no net cost—the only one. I think it is unfair to threaten the livelihood of tobacco farmers with the possibility of increased imports—there are plenty of cheap imports in the marketplace already. This added threat to their livelihood, on top of the existing financial crisis in the agricultural sector of our economy, is asking too much for our American tobacco farmers. I think it is time to take a little bit better care of the American people first.

I say to my colleagues who, whenever the word tobacco is mentioned, start talking about smoking and health, that this is not a health issue—it is an economic issue. Americans will continue to smoke. It is a matter of whether people will be smoking American tobacco or more foreign tobacco. A vote for this amendment is not a pro-tobacco vote—it is a vote for the "lesser of two evils"—American tobacco or foreign tobacco. People are not going to get healthier by smoking imported tobacco and, as a matter of fact, many of our health safeguards, such as pesticide restrictions, aren't in place in the Caribbean countries.

USDA indicated earlier this year that we needed more burley tobacco—that there was a shortage of burley. The Department confirmed this by raising the marketing quota for this year by 3 percent. The burley farmers responded by raising a record crop in Kentucky. After the crop was ready for market, USDA said they raised too much, now we have a surplus, so they lowered the price support loan. Now, even though we have a surplus of tobacco in our country, we are going to increase the potential for more tobacco to come into the country—by giving certain imports duty-free status.

Too much tobacco drives down the prices. When prices are low, more tobacco goes into the pool—it is eligible for the price supports. When more tobacco goes into the pool, the marketing fee goes up. And in essence—the farmers in my district pay the duty on this duty-free tobacco.

The government is doing such a good job that the people can hardly stand it!

I am informed by the USDA and the Special Trade Representative's office that the impact on American tobacco will be minimal. If this is the case, I say—if so little tobacco is expected to be imported under this legislation—then my amendment will do no harm.

I urge my colleagues to vote for this amendment—for the American farmer. Its passage is vital to the effective operation of the no net cost tobacco program. I ask permission to revise and extend my remarks and I reserve the balance of my time.

□ 1520

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. HOPKINS. I will be delighted to yield to the former outstanding chairman of the Tobacco Subcommittee, the gentleman from North Carolina (Mr. JONES).

Mr. JONES of North Carolina. Mr. Chairman, I thank the gentleman for yielding. I want to commend him on his amendment and ask the House to give it full consideration. Tobacco is such a vital crop, and involves hundreds of thousands of small farmers throughout 8 or 10 Southern States.

I commend the gentleman from Kentucky and urge support for his amendment.

Mr. HOPKINS. Mr. Chairman, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 5½ minutes to the gentleman from North Carolina (Mr. ROSE), the present chairman of the Tobacco Subcommittee and the chairman of the Tobacco Caucus.

Mr. ROSE. Mr. Chairman, I would like to engage the chairman of the Trade Subcommittee in a colloquy regarding the impact of section 103(a) of the bill on tobacco imports.

It is my understanding that this section prescribes rules of origin to prevent passthrough operations which might otherwise permit unmanufactured tobacco from outside the Caribbean to enter the United States duty-free. The language of section 103(a) requires that in order to be eligible for duty-free status under this bill an article must either be "wholly the growth, product or manufacture of a beneficiary country" or must be changed into a "new or different article of commerce" in such country. The language prohibits products from being considered new or different merely by having undergone "simple combining" operations.

Tobacco growers in this country are understandably concerned that the Customs Service will rule that imports of unmanufactured tobacco from Brazil or some other country can meet this new or different article test by simply being shipped to the Caribbean, stripped or cut, and then blended with a small amount of indigenous Caribbean tobacco. This would be a clear violation of the spirit of the legislation and would constitute a significant threat to domestic tobacco growers.

Can the distinguished chairman of the Trade Subcommittee assure me that the purpose of the language in section 103(a) is to prevent duty-free treatment for tobacco products from a country outside the region which are merely stripped or cut into some other unmanufactured form and blended with indigenous tobacco.

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

Mr. ROSE. I yield to the subcommittee chairman.

□ 1530

Mr. GIBBONS. Mr. Chairman, I can assure the gentleman from North Carolina (Mr. ROSE) that he is absolutely correct, and before I go further in this colloquy I want to commend the gentleman for his leadership and for having brought this matter to the subcommittee's attention. As the gentleman knows, we have discussed this matter thoroughly.

I will continue this colloquy further by saying that I want to assure the gentleman in the well that his position is precisely the purpose of section 103(a) of this act. It is the committee's understanding and intention that the prohibitions on mere combining operations and the requirement that there be a new and different article produced in the Caribbean would prevent any operation which merely changes tobacco from one unmanufactured form to another.

I would point out that on page 12 of the committee report we state the following about section 103(a):

> The object of these provisions is to prevent pass-through operations in which the work performed is of little economic benefit to the Caribbean and constitutes avoidance of U.S. duties.

That is exactly the kind of abuse that the gentleman is referring to, the mere changing of leaf tobacco from one form to another by cutting and blending and stripping, I should add, to avoid duties. Our rules set forth in this bill simply will not allow that to work, and our rules set forth in our fundamental law simply will not allow that to work.

I want to assure the gentleman that the committee intends to make its understanding of this strict rule-of-origin requirement very clear to the Secretary of the Treasury and to the Customs Service that he supervises.

Mr. Chairman, I would further like to assure the gentleman that this committee would carry out a very strict oversight of this matter.

Mr. ROSE. Mr. Chairman, I thank the chairman of the subcommittee. I would like to tell him how much I appreciate his solving what is to me the biggest problem that I have with the tobacco portion of this legislation. It does not solve all the problems that my friend, the gentleman from Kentucky, has, but it satisfies me, Mr. Chairman, and I thank the gentleman for engaging in this colloquy with me.

Mr. ROSTENKOWSKI. Mr. Chairman, if the gentleman will yield, I assume that the gentleman in the well is opposed to the amendment?

Mr. ROSE. Mr. Chairman, I do not support the amendment. That is correct.

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

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

Mr. FOUNTAIN. Mr. Chairman, I appreciate my colleague's yielding, and I appreciate his having asked the question and having gotten the response which he did from the distinguished gentleman from Florida (Mr. GIBBONS), a member of the Committee on Ways and Means, for whom I have great respect. But the answer which the gentleman gave to the gentleman from North Carolina (Mr. ROSE) is not adequate or satisfactory to me.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. ROSE) has expired.

Mr. FOUNTAIN. Mr. Chairman, will the gentleman from Kentucky (Mr. HOPKINS) yield to me?

Mr. HOPKINS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, if I may continue, the answer that was given is not satisfactory to me for the reason that there is nothing in the proposed law which shows how it could or would be enforced. It happens that we have suspicions that this sort of thing has been going on for some time, and as laudable as the intent of the Committee on Ways and Means is—and we appreciate it, and we appreciate the surveillance which the Members commit themselves to exercise—we have grave concerns that a lot of tobacco will be mixed, and there is no way in the world to tell where and when it is mixed, and brought into competition with American tobacco, which is already suffering consequences almost beyond repair.

Furthermore, Mr. Chairman, I am deeply concerned at the tendency on the part of some tobacco leaders of this country to make unnecessary and damaging concessions at the expense of our tobacco farmers, gradually giving away the important gains our people have worked long and hard to preserve and strengthen for the last 50 years.

Agriculture is, although we often forget it, the very backbone and foundation of all civilization, and our tobacco farmers have been among the most productive members of the farming community. I, for one, will not stand idly by and see their farms turn to dust.

Mr. Chairman, I would therefore like to associate myself with the remarks of the gentleman from Kentucky (Mr. HOPKINS), and I support his amendment wholeheartedly.

Mr. HOPKINS. Mr. Chairman, I reserve the balance of my time.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield 7½ minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Chairman, I yield 4 minutes of my time to the gentleman from Pennsylvania (Mr. NELLIGAN).

Mr. NELLIGAN. Mr. Chairman, I thank the gentleman for yielding to me at this time.

Mr. Chairman, we have heard a lot of talk as to whether this legislation will create U.S. jobs or whether this legislation will take away U.S jobs. I am talking today about saving U.S. jobs and hopefully, creating additional jobs.

If the present import duties on Caribbean cigar tobacco are eliminated under H.R. 7397, jobs will be saved and, hopefully, created. If this amendment passes, jobs will surely be lost.

Therefore, Mr. Chairman, I rise in strong opposition to the proposed amendment.

The amendment being considered would exclude Caribbean tobacco and tobacco products from duty-free entry into the United States. As such, the amendment has obvious protectionist appeal. It would seem that by approving this amendment, we would be saving American jobs for American workers.

However, when one looks behind the surface of this amendment and examines the specific impact of this amendment on the domestic tobacco industry, quite a different story unfolds. The plain fact is that this amendment would eliminate American jobs in the domestic cigar industry. This amendment would not help the American cigar worker. Instead, it would strike another blow against the American cigar industry, an industry which has been in decline for a number of years. In 1964, 9 billion cigars were sold in the United States. Last year, national cigar sales slipped below the 4 billion mark, representing an industry decline of 57 percent over 17 years.

This decline in sales is attributable to a number of factors, including decreased consumer preference for cigars due to rising costs. However, whatever the reason for declining sales, it is clear that the Congress should not take actions which create further problems for the cigar industry.

There is an old adage that you should not kick a man when he is down, but that is exactly what the amendment would do to the American cigar industry.

Members might wonder why a Member from northeastern Pennsylvania is involved in this debate. Well, I represent a district where nearly 1,500 people depend on cigar manufacturing for their weekly paychecks.

Incidentally, I would like to advise my good friend and colleague, the gentleman from Tampa and distinguished chairman of the subcommittee, Mr. GIBBONS, in the most good-natured fashion that it is I who represents the largest cigar manufacturing area in America, and it is not he who represents Tampa, the city from which my wife hails.

This year a cigar plant was forced to close in my district, eliminating jobs for about 300 workers. Of the 14,600 tons of tobacco leaf imported from the Caribbean, 40 percent is cigar tobacco. Lowering the cost of importing this cigar tobacco should lower the cost and the price of cigars. In the end, lowering the cost of this tobacco would save American jobs. This is the real issue involved in this amendment, real jobs and real people, and this amendment would do harm to both.

Let us not mistakenly assume that we would be greatly aiding the domestic tobacco growing industry by approving this amendment. Only 6 percent of all imported tobacco leaf comes from the Caribbean region, and, speaking directly to the claimed benefits of this amendment, a June 1982 report by the Foreign Agricultural Service concluded that the proposed CBI would have a minimal impact on U.S. cigarette leaf and U.S. tobacco growers.

As I have stated before time and time again, what this country needs is a good 5-cent cigar, unburdened by excise taxes and unhindered by legislation such as that contained in the proposed amendment.

Mr. Chairman, I call on my colleagues to reject this amendment, to support the American cigar industry, to save American jobs, and create American jobs.

Mr. CONABLE. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. NELLIGAN) for his charismatic contribution.

Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina (Mr. MARTIN).

□ 1540

Mr. MARTIN of North Carolina. Mr. Chairman, I want to say that I really do not think the amendment before us is needed. We are talking about minimal activity involving unmanufactured tobacco raised on marginal land. I do not think we need to be afraid of a little bit of trade in this instance; Caribbean tobacco is such a small percentage of the large amount of tobacco that we do import as a part of our production here in this country today.

The potential threat is the one which my colleague from North Carolina (Mr. ROSE) has raised about whether this could become a chute through which to pour large volumes of tobacco from countries outside of this region.

I am satisfied that the 35-percent value added rule has proven its effectiveness in preventing this from happening in other areas and can do the same here.

If we exempt every imaginable product, then this important Caribbean Basin Initiative will not involve any risks for anybody, but it will be worthless and insulting to our neighbors.

If we exempt almost every product, then any few remaining duty-free products could have a serious impact on American producers.

It would be far better in my opinion if we allow a wider range of duty-free trade opportunities for our friends in the Caribbean. Not only does that present them with a better chance for diversifying and stabilizing their economies, but in doing so the impact will be spread softly and broadly and be less burdensome on any other sector of our own economy.

Mr. CONABLE. Mr. Chairman, I reserve the additional 2 minutes yielded me by the chairman of the committee.

Mr. HOPKINS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. DAN DANIEL).

Mr. DAN DANIEL. Mr. Chairman, I thank the gentleman from Kentucky for yielding and for bringing this matter to the attention of the Members.

We should not lose sight of the economic impact of tobacco in these days when so much emphasis is being placed upon jobs and a stagnating gross national product.

For instance, in my own congressional district, which has the largest tobacco output in Virginia, tobacco production amounted to $192,000,000 in 1981. This represented 73 percent of the total State value of $264,000,000. Obviously, this would be larger for 1982.

In the last agricultural census in 1978, there were 16,400 tobacco farms in Virginia, of which more than half are in my district. Many of these farms are small and the income derived from tobacco represents all or most of the income these people receive.

The Wharton School of Finance of the University of Pennsylvania published a study, based on 1979 figures, which showed that 90,700 jobs in Virginia directly or indirectly related to the growing, processing, marketing, or sale of tobacco products. This represented 5.4 percent of all jobs in Virginia. Business generated by these jobs amounted in that year to $1,200,000,000, or 5.3 percent of all the income in Virginia.

The report showed that tobacco generated $62,000,000 in Virginia taxes and $183,000,000 in Federal revenues. Obviously, these figures would be higher today.

The value of tobacco exports is around $1,800,000,000 annually and this is a considerable factor in our balance of trade. Significantly, we are importing larger quantities of tobacco each year—to the point where, by next year, we will probably become a "net importer" of tobacco, by volume. Yet, 30 years ago, this Nation supplied more than 60 percent of the world tobacco trade.

To those of you who are concerned about the health issue, I would point out that reducing production of tobacco in this country by placing Government restraints on the tobacco economy does not mean less use of tobacco. It simply means that what was once a largely American enterprise is becoming less so each year. Trade by some of the emerging nations is growing rapidly and their promotion programs are aided and abetted by active government monopolies and subsidy programs.

To emphasize further the scope of the problem, I wish to request permission to include herein with my remarks a message received this morning

from Mr. S. T. Moore, president of the Virginia Farm Bureau Federation, Inc.

The message follows:

VIRGINIA FARM BUREAU FEDERATION, INC.,
Richmond, Va., December 16, 1982.

Hon. W. C. DANIEL,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN DANIEL: The Virginia Farm Bureau is pleased to comment on the Caribbean Basin Economic Recovery Act, H.R. 5900. We understand the government's desire to promote economic revitalization of the Caribbean Basin region. However, the Caribbean Basin Economic Recovery Act presents certain problems of considerable magnitude for U.S. farmers in general and Virginia tobacco farmers in particular unless effective safeguards are incorporated in the legislation to adequately protect the farmers' interests.

In particular, appropriate measures are needed that would provide adequate safeguards against foreign tobacco imports into the Caribbean Basin countries for semi-processing that would result in so-called "scrap" tobacco that could then be imported into the United States duty free.

This could result in effective elimination of all duties on the bulk of the tobacco imported into the United States by routing most imports of tobacco through Caribbean Basin countries for semi-processing in order to gain duty free entry into the United States. Not only would this be injurious to domestic tobacco producers but it would also deny to the U.S. Treasury the tariff revenue, which is now applicable to tobacco imports.

Resolution of this one issue could be accomplished by extending to all agriculture products and commodities the exclusion from duty free treatment applicable to textiles and apparel articles provided for in Section 103(a)(2)(h).

We appreciate your consideration of our view as the Act is considered.

Sincerely,

S. T. MOORE, Jr.,
President.

Mr. HOPKINS. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. Mr. Chairman, I rise in strong support of the amendment offered by my colleague from Kentucky. I would like to make a couple of points along these lines.

One, for those who say that the Caribbean tobacco is insignificant, I would say to them that in 1981 we imported 14.2 million pounds of tobacco from the Caribbean countries, grown in the Caribbean area, and that is a tripling of the poundage from the Caribbean area over the last few years.

Second, on the so-called funneling effect, the transshipping of tobacco that I think this bill would allow, it would allow South Korea, Brazil, and the other tobacco-growing competitors of this country outside the Caribbean area to transship that tobacco into the Caribbean and thereby into this country under the duty-free treatment.

What we are talking about here is exporting American jobs, not just to the Caribbean but to the tobacco competitors of this country around the world.

We are talking not about harming American cigarette manufacturing companies, nor large corporations that grow tobacco. We are talking about that dirt farmer, hundreds of thousands of them, throughout this country who would be harmed unless this amendment is passed.

I urge our colleagues to support the amendment.

Mr. CONABLE. Mr. Chairman, I now yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

The CHAIRMAN. Without objection, the gentleman from Minnesota (Mr. FRENZEL) is recognized.

There was no objection.

Mr. FRENZEL. Mr. Chairman, there are several levels of concern which seem to have brought forth this amendment. One of them has to do with the laws concerning agriculture.

This bill does not pretend to have anything to do with agricultural law. We would prefer to have the Agriculture Committee handle that. However, the amendment adds another exemption to a section which already includes textiles, footwear, leather goods, petroleum, sugar, garments, and the like.

No matter how real our fears are about how our industries are going to be hurt, we cannot keep carving out extra exemptions. We have already added tuna. In my judgment it was questionable. But there is no reason at all to add tobacco.

The distinguished chairman of the Tobacco Subcommittee has indicated already that he sees no problem with this.

When this matter came up in our committee with respect to mushrooms, we developed a fast track under the 201 relief process to take care of agricultural products.

When the problem of mixing products came up with respect to oranges, we developed the section about which the chairman of the subcommittee, Mr. GIBBONS, and Mr. RHODES had their colloquy.

So I think the committee has successfully protected agricultural products. There is no need for the amendment. I hope the amendment will be rejected so that we can get about the business of passing a most important bill.

Mr. CONABLE. Mr. Chairman, I wish to add my opposition to the amendment that is currently pending.

Mr. HOPKINS. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman has 1 minute remaining.

Mr. HOPKINS. Mr. Chairman, I yield myself the 1 minute.

Let me if I may, in closing out the debate on this issue, say that I appreciate the views of those opposing this amendment. Although I disagree, I would fight for their right to oppose me. I remind them that the tobacco farmers of Kentucky and the tobacco farmers of this country are God-fearing, honest, hard-working, taxpaying Americans. They do not want to be bothered with more Government.

They are not used to the pressures of this room and of the wheeling and dealing that goes on in the marble halls of Washington. They just want to be left alone. To continue picking on them the way that this body does I find totally unacceptable.

Mr. GIBBONS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman has 2 minutes remaining.

Mr. GIBBONS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me first put an end to a rumor that is going around here. This bill does not restrict the flow of orange juice into the United States or oranges or anything else. If it is grown in the Caribbean, produced in the Caribbean, it comes in duty-free, no argument about that.

The same thing for tobacco. If it is grown and produced in the Caribbean, it comes in duty-free. But if it comes from anyplace else in the world and is combined with Caribbean tobacco then it does not come in duty-free unless it meets the strictures or the restraints in this bill which the gentleman from North Carolina (Mr. ROSE) and I discussed. These strictures and restraints are very, very strong.

So far as I know, no one has ever told me—and I have heard a complaint—no one has ever complained about these rules of origin being violated in the past.

The Customs Service is set up, designed to catch those kinds of things. The Customs Service does a good job on that, even with their limited manpower.

Unfortunately, the way the amendment of the gentleman from Kentucky (Mr. HOPKINS) is drawn, it hurts the tobacco industry in Pennsylvania, in Florida, and other places, and I cannot accept it.

The Department of Agriculture says the potential for raising tobacco in the Caribbean is very limited because of the very marginal land and the high population there, and they do not believe from the point of view of agriculturalists that much tobacco will be grown there ever and of much consequence even then.

So I would ask you to oppose this amendment and support the bill.

□ 1550

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky (Mr. HOPKINS).

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MURTHA) having assumed the chair, Mr. BINGHAM, 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. 7397) to promote economic revitalization and facilitate expansion of economic opportunity in the Caribbean Basin region, pursuant to House Resolution 629, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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.

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. VENTO. 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. 116 Members are present, not a quorum.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 260, nays 142, not voting 31, as follows:

[Roll No. 476]

YEAS—260

Addabbo	Burgener	Dorgan
Andrews	Butler	Dornan
Annunzio	Byron	Dougherty
Anthony	Campbell	Downey
Archer	Carman	Dreier
Ashbrook	Carney	Dwyer
Aspin	Chappell	Edwards (AL)
Atkinson	Chappie	Edwards (OK)
Badham	Cheney	Emerson
Bafalis	Chisholm	Emery
Bailey (MO)	Clausen	English
Barnard	Clinger	Erdahl
Barnes	Coats	Erlenborn
Beard	Coleman	Evans (DE)
Bedell	Collins (TX)	Evans (GA)
Beilenson	Conable	Evans (IA)
Benedict	Conte	Fary
Bennett	Corcoran	Fascell
Bereuter	Coughlin	Fenwick
Bethune	Courter	Fiedler
Biaggi	Coyne, James	Fields
Bingham	Coyne, William	Fish
Bliley	Craig	Flippo
Boggs	Crane, Daniel	Forsythe
Bonker	Crane, Philip	Fowler
Bowen	Daniel, Dan	Frenzel
Breaux	Daniel, R. W.	Garcia
Brinkley	Dannemeyer	Gejdenson
Brooks	Daub	Gephardt
Broomfield	de la Garza	Gibbons
Brown (CA)	Deckard	Gilman
Brown (CO)	Derwinski	Gingrich
Brown (OH)	Dickinson	Ginn
Broyhill	Dicks	Goodling
Gradison	Lujan	Russo
Gramm	Lungren	Sabo
Green	Madigan	Sawyer
Gregg	Marriott	Scheuer
Grisham	Martin (NC)	Schneider
Gunderson	Martin (NY)	Sensenbrenner
Hall, Sam	Mazzoli	Shaw
Hamilton	McClory	Shumway
Hammerschmidt	McCloskey	Siljander
Hance	McCollum	Simon
Hansen (ID)	McCurdy	Skeen
Hansen (UT)	McDade	Smith (AL)
Hartnett	McDonald	Smith (IA)
Hatcher	McEwen	Smith (NE)
Heckler	McGrath	Smith (NJ)
Hendon	McKinney	Smith (OR)
Hightower	Mica	Snowe
Hiler	Michel	Solarz
Hillis	Mitchell (NY)	Solomon
Hollenbeck	Molinari	Spence
Holt	Montgomery	Stangeland
Hoyer	Moore	Staton
Hubbard	Moorhead	Stenholm
Huckaby	Morrison	Stratton
Hunter	Myers	Studds
Hutto	Nelligan	Stump
Hyde	Nelson	Synar
Ireland	O'Brien	Tauke
Jacobs	Ottinger	Tauzin
Jeffords	Oxley	Taylor
Jeffries	Parris	Thomas
Jenkins	Patterson	Trible
Jones (NC)	Petri	Udall
Kazen	Pickle	Vander Jagt
Kemp	Porter	Wampler
Kennelly	Price	Waxman
Kindness	Pritchard	Weber (MN)
Kramer	Pursell	Weber (OH)
LaFalce	Quillen	Weiss
Lagomarsino	Railsback	White
Latta	Rangel	Whitehurst
Leach	Regula	Whittaker
Leath	Reuss	Wilson
LeBoutillier	Ritter	Wirth
Lee	Roberts (KS)	Wolf
Lent	Robinson	Wortley
Levitas	Roe	Wright
Lewis	Roemer	Wylie
Livingston	Rose	Yatron
Loeffler	Rosenthal	Young (AK)
Long (MD)	Rostenkowski	Young (FL)
Lott	Roth	Zablocki
Lowery (CA)	Roukema	

NAYS—142

Akaka	Florio	Mavroules
Albosta	Foglietta	McHugh
Alexander	Ford (MI)	Mikulski
Anderson	Ford (TN)	Miller (CA)
Applegate	Fountain	Miller (OH)
AuCoin	Frank	Mineta
Bailey (PA)	Frost	Minish
Bevill	Gaydos	Mitchell (MD)
Boland	Glickman	Moakley
Boner	Gonzalez	Mottl
Bonior	Gore	Murphy
Bouquard	Gray	Murtha
Brodhead	Guarini	Napier
Burton, John	Hall (IN)	Natcher
Burton, Phillip	Hall (OH)	Neal
Clay	Hall, Ralph	Nichols
Coelho	Harkin	Nowak
Collins (IL)	Hawkins	Oakar
Conyers	Hefner	Oberstar
Crockett	Heftel	Obey
D'Amours	Hertel	Panetta
Daschle	Hopkins	Pashayan
Davis	Howard	Patman
Dellums	Hughes	Paul
Derrick	Jones (OK)	Pease
Dingell	Jones (TN)	Pepper
Dixon	Kastenmeier	Perkins
Donnelly	Kildee	Peyser
Dowdy	Kogovsek	Rinaldo
Duncan	Lantos	Rodino
Dunn	Leland	Rogers
Dyson	Long (LA)	Roybal
Early	Lowry (WA)	Savage
Eckart	Lundine	Schroeder
Edgar	Markey	Schumer
Edwards (CA)	Marlenee	Seiberling
Evans (IN)	Martin (IL)	Shamansky
Fazio	Martinez	Shannon
Ferraro	Matsui	Sharp
Fithian	Mattox	Shelby
Skelton	Volkmer	Williams (MT)
Snyder	Walgren	Williams (OH)
St Germain	Walker	Wolpe
Stark	Washington	Wyden
Stokes	Watkins	Yates
Swift	Weaver	Young (MO)
Traxler	Whitley	
Vento	Whitten	

NOT VOTING—31

Blanchard	Horton	Rousselot
Bolling	Johnston	Rudd
DeNardis	Lehman	Santini
Dymally	Luken	Schulze
Ertel	Marks	Shuster
Findley	Moffett	Smith (PA)
Foley	Mollohan	Stanton
Fuqua	Rahall	Winn
Goldwater	Ratchford	Zeferetti
Hagedorn	Rhodes	
Holland	Roberts (SD)	

□ 1600

The Clerk announced the following pairs:

On this vote:

Mr. Winn for, with Mr. Rahall against.

Mr. Horton for, with Mr. Mollohan against.

Messrs. WILLIAMS of Ohio, GUARINI, RODINO and MINISH changed their votes from "yea" to "nay."

Mr. EMERY changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1610

GENERAL LEAVE

Mr. ROSTENKOWSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CONFERENCE REPORT ON H.R. 6946, FALSE IDENTIFICATION CRIME CONTROL ACT OF 1982

Mr. HUGHES submitted the following conference report and statement on the bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 3.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 6, and 7, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate num-

bered 2 and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

"(6) possesses an identification document that is or appears to be an identification document of the United States which is stolen or produced without authority knowing that such document was stolen or produced without authority;

That the House recede from its disagreement to the amendment of the Senate numbered 4 and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following: *the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental, or an international*

That the House recede from its disagreement to the amendment of the Senate numbered 8 and agree to the same with an amendment, as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SEC. 4. (a) Chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following:

"§ 1738. Mailing private identification documents without a disclaimer

"(a) Whoever, being in the business of furnishing identification documents for valuable consideration, and in the furtherance of that business, uses the mails for the mailing, carriage in the mails, or delivery of, or causes to be transported in interstate or foreign commerce, any identification document—

"(1) which bears a birth date or age purported to be that of the person named in such identification document; and

"(2) knowing that such document fails to carry diagonally printed clearly and indelibly on both the front and back "NOT A GOVERNMENT DOCUMENT" in capital letters in not less than twelve point type;

shall be fined not more than $1,000, imprisoned not more than one year, or both.

"(b) For purposes of this section the term 'identification document' means a document which is of a type intended or commonly accepted for the purpose of identification of individuals and which is not issued by or under the authority of a government.".

(b) The table of sections at the beginning of chapter 83 of title 18, United States Code, is amended by adding at the end thereof the following new item:

"1738. Mailing private identification documents without a disclaimer.".

SEC. 5. Section 3001(a) of title 39, United States Code, is amended by striking out "or 1718" and inserting in lieu thereof ", 1718, or 1783".

PETER W. RODINO,
WILLIAM J. HUGES,
DAN GLICKMAN,
HAL SAWYER,
HAMILTON FISH, Jr.,
THOMAS N. KINDNESS,
HENRY J. HYDE,
Managers on the Part of the House.

STROM THURMOND,
PAUL LAXALT,
ORRIN G. HATCH,
AL SIMPSON,
GORDON J. HUMPHREY,
JOSEPH R. BIDEN, Jr.,
DENNIS DECONCINI,
HOWELL HEFLIN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate in effect adopted two amendments. The conference agreement adopts the Senate amendments with amendments. The difference between the conference agreement and the House bill and the Senate amendments to the bill are noted below.

The first Senate amendment, No. 1368, added two new offenses to the new offenses created by the House bill. There were no equivalent House provisions. The House recedes from its disagreement with the Senate with respect to the first of the two added offenses, which prohibits possession of an identification document that is or appears to be an identification document of the United States which is stolen or produced without authority knowing that such document was stolen or produced without authority. This offense would be a misdemeanor subject to a fine of not more than $5,000, imprisonment for not more than one year or both.

With respect to the second of the offenses added by the first Senate amendment, the conference adopts the House position.

The first Senate amendment also included certain technical amendments to the definitions. The conference agreement combines both the Senate and House versions to define the term "identification document" as used in section 1028 of title 18 to mean a document made or issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

The conference agreement includes the Senate amendment relating to definition of the term "State."

The conference agreement accepts the Senate amendment with respect to the exception for investigative, protective, or intelligence activities, to change the term "law enforcement agency of . . . a subdivision of a State" to "law enforcement agency of . . . a political subdivision of a State."

The second Senate Amendment, No. 1369, created a new offense relating to identification documents bearing a false birth date, to be a new section 1738 of title 18 of the United States Code. There was no equivalent House provision.

The problem intended to be addressed by the amendment is the purchase of alcoholic beverages by persons under the minimum age in the various states by utilizing identification cards that are privately manufactured in a design and style that approximates those used by state driver's licenses and personal identification cards.

The Senate amendment would have made it an offense to mail or ship in interstate or foreign commerce an identification document which bears a date of birth by a person in the business of furnishing identification documents for valuable consideration, if that person fails to obtain written verification from a government agency, a physician or hospital of the accuracy of the date of birth. This requirement would have eliminated the utility of private identification documents which are used by many persons who have no official record of their date of birth and are unable to obtain official identification cards for that reason.

The conferees determined that to simply require privately issued identification cards to carry a prominent disclaimer that they are not government documents would adequately protect the public interest.

The conference agreement would make it an offense to mail or ship in interstate or foreign commerce a privately issued identification card that bears a birth date or age if the identification card fails to carry on the front and back of the card the clearly and indelibly printed words "NOT A GOVERNMENT DOCUMENT" in capital letters in not less than 12 point type.

PETER W. RODINO,
WILLIAM J. HUGHES,
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HENRY J. HYDE,
Managers on the Part of the House.

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DENNIS DECONCINI,
HOWELL HEFLIN,
Managers on the Part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATIONS, 1983

Mr. DIXON. Mr. Speaker, pursuant to the order of the House of December 13, 1982, I call up the conference report on the bill (H.R. 7144) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1983, and for other purposes and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 15, 1982.)

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the statement be considered as read.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. DIXON) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. COUGHLIN) will be recognized for 30 minutes.

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

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report under consideration.

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

There was no objection.

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, we bring back to the House today the conference report on the 1983 District of Columbia appropriation bill.

First, let me mention to the Members that we went to conference with the other body just 2 days ago and filed the conference report night before last and although we seem to be on a fast track in bringing up this report, I want to assure the Members that this is a responsible bill that should have their support.

SUMMARY

Overall, Mr. Speaker, a total of $524.2 million in Federal funds is provided in this conference agreement. We are below last year's appropriation by almost $33 million; we are below the budget estimates for 1983 by $55.7 million and we are below the House bill by $21.3 million.

In District funds, the conference agreement provides a total of $1,998,841,900 in new budget authority. While this amount is $33.1 million above last year's level and $22.7 million above the House bill, it is $8.5 million below the Senate bill and $7.1 million below the budget estimates for fiscal year 1983.

Let me stress again, Mr. Speaker—and this is very important—the conference agreement is $7.1 million below the President's budget estimates.

SPECIAL CRIME INITIATIVE

Now, let me take just a few minutes to summarize our action in some of the other areas of the bill. The bill as agreed to by the conferees provides a one-time Federal payment of $3,146,600 for a special crime initiative. One of the objectives of this initiative is to get repeat offenders off the streets, and most of this amount will go to the Metropolitan Police Department for an automated fingerprint identification system which will cost $1.8 million, and for portable communication radios, which will cost $525,000. The balance of $800,000, Mr. Speaker, will go directly to the Federal Department of Justice to hire 20 additional assistant U.S. attorneys who will be assigned to the District's Superior Court Division. We were told that the caseload is increasing at the rate of 125 per day and that something has to be done to reduce the workload that each assistant U.S. attorney carries.

We have also approved $285,000 for three hearing commissioners and related staff. This will free up at least two judges for criminal trial duties.

The bill includes $1.2 million to hire 93 firefighters to restore the four heavy duty rescue squads to full service status by September 30, 1983. These four units are now staffed by the same on-duty crew that mans the engine companies, and if the crew is out on a fire call, there is no one to staff the rescue unit.

PENSION FUNDS

In this bill, Mr. Speaker, we carry out the terms of the agreement reached by the Mayor and the Retirement Board concerning the fiscal year 1981 shortfall of $14.3 million in the District's contribution to the pension funds. That agreement was reflected in the legislation which authorized the $24.4 million increase in the Federal payment. We have included in this bill the first of three successive payments of $4.75 million as required by the agreement.

HUMAN SERVICES

For the city's day care program, the conferees have agreed to provide $13 million; and $120,000 is included for the Special Olympic games. The conferees agreement provides a total of $97.5 million as the District's share of the medicaid and medical charities program.

For St. Elizabeths Hospital, the conference agreement provides $24.7 million for reimbursement to the Federal Government. This is almost $2 million above last year's level. In addition we have included language that will allow the hospital to receive medicaid reimbursements.

DEFICIT REDUCTION

Mr. Speaker, the conference agreement also provides $20 million which was proposed by the House as the second installment to reduce the city's accumulated general fund deficit.

GENERAL PROVISIONS

The conferees have also agreed to authorize the Mayor, under amendment No. 39, to set the salary of the City Administrator at a rate not to exceed the maximum statutory rate established for level IV of the Federal Exective Schedule under 5 U.S.C. 5315, and language in the bill provides that this salary may be payable to the City Administrator during fiscal year 1983. We have also included language authorizing the Mayor to set the per diem rate for board members of the Redevelopment Land Agency consistent with his authority to set these rates for members of other boards and commissions of the District government.

A general provision is also included under amendment No. 40 that would remove District employees from the pay cap that applies to Federal employees. The District was directed in the Home Rule legislation to set up its own merit personnel system, which they have had since January 1, 1980. Therefore, Mr. Speaker, the conferees feel that District employees should not be included in the Federal employee pay ceiling.

At this point in the RECORD, Mr. Speaker, I will insert a tabulation summarizing the conference action.

(The table referred to follows:)

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1983 (H.R. 7144)—CONFERENCE SUMMARY [1]

Item	New budget (obligational) authority, fiscal year 1982	Budget estimates of new (obligational) authority, fiscal year 1983	New budget (obligational) authority			Conference action prepared with—			
			House bill	Senate bill	Conference	Fiscal year 1982	Budget estimates, 1983	House bill	Senate bill
DISTRICT OF COLUMBIA									
FEDERAL FUNDS									
Federal payment to the District of Columbia	336,600,000	361,000,000	336,600,000	361,000,000	361,000,000	+24,400,000		+24,400,000	
Payment in lieu of reimbursement for water and sewer services to Federal facilities	13,500,000	11,800,000	11,800,000	11,800,000	11,800,000	−1,700,000			
Federal contribution to the police officers and fire fighters', teachers', and judges' retirement funds	52,070,000	52,070,000	52,070,000	52,070,000	52,070,000				
Special crime initiative				3,142,600	3,142,600	+3,142,600	+3,142,600	+3,142,600	
Loans to the District of Columbia for capital outlay	155,000,000	15,000,000	145,000,000	145,000,000	145,000,000	−10,000,000	−10,000,000		
(Rescission)				−48,832,500	−48,832,500	−48,832,500	−48,832,500	−48,832,500	
(Limitation on direct loans)	(145,000,000)	(145,000,000)	(145,000,000)			(−145,000,000)	(−145,000,000)	(−145,000,000)	
Total, Federal funds to District of Columbia	557,170,000	579,870,000	545,470,000	524,180,100	524,180,100	−32,989,900	−55,689,900	−21,289,900	

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1983 (H.R. 7144)—CONFERENCE SUMMARY [1]—Continued

Item	New budget (obligational) authority, fiscal year 1982	Budget estimates of new (obligational) authority, fiscal year 1983	New budget (obligational) authority			Conference action prepared with—			
			House bill	Senate bill	Conference	Fiscal year 1982	Budget estimates, 1983	House bill	Senate bill
DISTRICT OF COLUMBIA FUNDS									
Operating Expenses									
Governmental direction and support	(88,216,700)	(66,866,900)	(68,312,200)	(69,439,000)	(69,545,500)	(−18,671,200)	(+2,678,600)	(+1,233,300)	(+106,500)
Economic development and regulation	(33,699,900)	(62,327,200)	(50,263,400)	(61,122,000)	(58,485,400)	(+24,785,500)	(−3,841,800)	(+222,000)	(−2,636,600)
Public safety and justice	(354,297,700)	(405,744,900)	(405,111,600)	(410,175,078)	(409,242,100)	(+54,944,400)	(+3,497,200)	(+4,130,500)	(−932,978)
Public education system	(385,690,200)	(439,155,100)	(434,171,200)	(439,042,100)	(438,724,200)	(+53,034,000)	(−430,900)	(+4,553,000)	(−317,900)
Human support services	(435,457,500)	(465,089,800)	(450,550,800)	(465,103,800)	(446,890,500)	(+31,433,000)	(+1,800,700)	(+16,339,700)	(+1,786,700)
Transportation services and assistance	(123,681,600)	(137,227,400)	(135,712,400)	(136,712,400)	(135,712,400)	(+12,030,800)	(−1,515,000)		(−1,000,000)
Environmental services and supply	(31,656,200)	(50,140,500)	(38,337,000)	(50,140,500)	(38,337,000)	(+6,680,800)	(−11,803,500)		(−11,803,500)
Personel services	(43,680,600)	(23,694,800)	(17,100,000)	(13,750,822)	(17,364,100)	(−26,316,500)	(−6,330,700)	(+264,100)	+3,613,278
Repayment of loans and interest	(126,060,600)	(142,204,200)	(142,204,200)	(142,204,200)	(142,204,200)	(+16,143,600)			
Repayment of general fund deficit	(10,000,000)	(2,896,500)	(20,000,000)	(10,000,000)	(20,000,000)	(+10,000,000)	(+17,103,500)		(+10,000,000)
Contingent services fund	(2,400,000)					(−2,400,000)			
Energy adjustment		(−2,078,500)	(−2,078,500)	(−2,078,500)	(−2,078,500)	(−2,078,500)			
Total, operating expenses, general fund	(1,634,841,000)	(1,793,268,800)	(1,767,684,300)	(1,795,611,400)	(1,794,426,900)	(+159,585,900)	(+1,158,100)	(+26,742,600)	(−1,184,500)
Capital Outlay									
General fund	([2] 192,973,500)	(83,885,600)	(83,439,500)	(83,885,600)	(83,885,600)	(−109,087,900)		(+446,100)	
Enterprise Funds									
Water and sewer enterprise fund:									
Operating expenses	(106,208,200)	(116,646,000)	(107,195,900)	(114,479,400)	(107,195,900)	(+987,700)	(−9,450,100)		(−7,283,500)
Capital outlay	([3] 29,102,600)	(4,575,000)	(4,575,000)	(4,575,000)	(4,575,000)	(−24,527,600)			
Total, water and sewer enterprise fund	135,310,800	121,221,000	11,770,900	119,054,400	11,770,900	−23,539,900	−9,450,100		−7,283,500
Washington Convention Center enterprise fund	(2,005,300)	(7,574,000)	(7,574,000)	(7,574,000)	(7,574,000)	(+5,568,700)			
Lottery and charitable games enterprise fund	(628,000)		(1,184,500)	(1,184,500)	(1,184,500)	(+556,500)	(+1,184,500)		
Total, enterprise funds	(137,944,100)	(128,795,000)	(120,529,400)	(127,812,900)	(120,529,400)	(−17,414,700)	(−8,265,600)		(−7,283,500)
Total, District of Columbia funds	(1,965,758,600)	(2,005,949,400)	(1,971,653,200)	(2,007,309,900)	(1,998,841,900)	(+33,083,300)	(−7,107,500)	(+27,188,700)	(−8,468,000)
RECAPITULATION									
Grand total, new budget (obligational) authority	557,170,000	579,870,000	545,470,000	524,180,100	524,180,100	−32,989,900	−55,689,900	−21,289900	
Consisting of:									
Federal funds to the District of Columbia	557,170,000	579,870,000	545,470,000	524,180,100	524,180,100	−32,989,900	−55,689,900	−21,289,900	
(Limitation on direct loans)	(145,000,000)	(145,000,000)	(145,000,000)			(−145,000,000)	(−145,000,000)	(−145,000,000)	
District of Columbia funds	(1,965,758,600)	(2,005,949,400)	(1,971,653,200)	(2,007,309,900)	(1,998,841,900)	(+33,083,300)	(−7,107,500)	(+27,188,700)	(−8,468,000)

[1] Includes following budget amendments:
H. Doc. 97–263: District of Columbia funds:

Public safety and justice	$267,000
Public education system	4,483,000
Human support services	15,250,000
Personal services	4,400,000
Total, budget amendments	24,400,000

[2] Reflects transfer of $29,102,600 to the Water and Sewer Enterprise Fund.

[3] Appropriated under general fund capital outlay.

Mr. Speaker, in the short time I have taken, I have tried to highlight the conference agreement, and the full text of the agreement is printed in yesterday's CONGRESSIONAL RECORD starting on page H9935, and is available to all Members.

We believe this is a good conference agreement and we urge that it be adopted.

Mr. Speaker, I reserve the balance of my time.

□ 1620

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DIXON. I will be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I have a couple of questions on amendments 39 and 40. In both those instances, are the amendments not saying that we should ignore Federal pay ceilings and go ahead and pay District employees more money than Federal employees in the area who are paying taxes to the D.C. Government would be allowed to make in similar kinds of jobs?

Mr. DIXON. Amendment 39 gives the Mayor the discretion to set the salary of the City Administrator at a rate not to exceed the maximum statutory rate established for level IV of the Federal Executive Schedule.

Amendment 40 gives the city the authority to set its own pay ceilings for its employees.

Mr. WALKER. If the gentleman would yield further, does that not do what I am talking about? We have agonized just within the last few days on this House regarding this Federal pay cap and as it affects Members' salaries and affects executive salaries across the board. We have gone through quite a bit of agony. We are probably going to continue to do so in the continuing resolution.

Yet we come in here with a D.C. appropriation bill that says we are going to lift those very pay caps that we have agonized so much about on D.C. employees and, in effect, run into situations where the employees of the District will be making more money than people in similar jobs who are paying taxes as Federal employees are able to make in their jobs because of our pay cap. Is that not the case?

Mr. DIXON. No, it is not the case. Yes, we have agonized.

I do not know and I do not understand why we on the floor of this House are agonizing over the salary that city employees receive. The Home Rule Act passed by this Congress directed the District Government to set up its own merit personnel system. That merit system went into effect on January 1, 1980, and the Federal pay cap should have been removed from District employees at that time. It is also true that there are many employees around this country who make, in any given category, more money than a particular Federal employee. And the converse of that is also true.

The gentleman's point is well taken from his perspective. I do not know that any community around the country is really concerned about what the District of Columbia does with the salary levels of its employees paid from its own revenues especially when the District has its own merit personnel system.

Mr. WALKER. Mr. Speaker, if the gentleman would yield further, I think the problem is that we are paying a part of the bill, and in paying a part of the bill we have felt in the past that because of that Federal contribution, there should be similar kinds of pay scales and pay caps that relate to what cost of the workers in this area are making from that same Federal Treasury, and that is the reason why the Congress has felt in the past that that should be the case.

I tend to think that the Congress probably still believes that, and at the appropriate time, I might say to the gentleman, I intend to offer the motions appropriate to see to it that those pay caps are maintained.

Mr. DIXON. Let me respond to the gentleman, Mr. Speaker, as to the point that we are paying part of the bill. I do not think that is absolutely correct. The budget totals $1.9 billion. The Federal payment to the District is $361 million.

I do not think any of us in this House view that Federal payment as a gift. Only if we view it as a gift could we make the interpretation that we were paying part of the bill. The history of the Federal payment is that it is in lieu of taxes on Federal property in the city. So I do not see under any circumstance where allowing the District to set its own level of compensation for employees is, in fact, paying part of the bill.

Mr. Speaker, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California (Mr. DIXON) has consumed 10 minutes.

Mr. COUGHLIN. Mr. Speaker, I yield myself such time as I may consume and I rise in support of the conference report on the District of Columbia appropriation bill for the fiscal year 1983.

This bill, as the chairman has pointed out, provides a total of $1,998,841,900.

This is made up of the District of Columbia's own funds—from taxes and fees—and the full Federal payment of $361 million.

Included in that figure is a one-time additional Federal payment of $3,142,600 for a special crime initiative. These funds would be used to buy 210 portable radios and an automated fingerprint identification system, and hire 22 to 30 additional assistant U.S. attorneys to prosecute criminal cases in the District of Columbia Superior Court.

The conference report insists on the House-mandated level of 3,880 police officers, a strength the District has yet to sustain although we have insisted on it for the past 2 years. We tie receipt of the Federal payment to meeting this level and give the District of Columbia until April 15 to achieve it.

On a related matter, the conference report includes $1,200,000 for startup of Fire Department heavy-duty rescue squads.

Earlier this year, a compromise was reached on funding the shortfall in retirement funds. We take the first step in making up this deficiency in the conference report before you today.

The House continues to insist on an adequate amount of money earmarked for D.C. debt retirement. The Mayor originally proposed earmarking $16.5 million, the Council reduced it to $2.9 million, and we set it at $20 million. These funds must be used to reduce the cash portion of the deficit. I might add that the city's own plan, released a few years ago, anticipated a debt retirement level of $30 million this year.

The lottery and charitable games enterprise fund is fully funded so the very successful D.C. lottery may continue. Restriction and requests on the operation of the lottery remain as enacted into permanent law in both last year's D.C. bill and the fiscal year 1983 Continuing Resolution.

General provisions of the conference report lift the pay cap for city employees (by removing D.C. employees from Federal employee pay ceilings), and for the City Administrator.

Let me once again say what a pleasure it is to work with Subcommittee Chairman Julian Dixon. He has, perhaps, the most difficult job in balancing all of the various interests which come together over District of Columbia appropriations. And he does an excellent job at it.

Mr. Speaker, let me also express my appreciation to Americo "Migo" Miconi and Kenneth Kraft for their excellent staff work in putting this bill together.

Mr. Chairman, this is a good bill and I urge its adoption by the House and reserve the balance of my time.

Mr. PARRIS. Mr. Speaker, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from Virginia.

Mr. PARRIS. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report.

For the past 2 years, public safety in the Washington metropolitan area has suffered due to the fact that the District of Columbia Fire Department's Rescue Squad units have not been provided sufficient manpower to operate on a full-time basis.

The District's four rescue trucks are manned by the personnel of four fire engine companies. Under this situation, if one of these companies has responded to a fire alarm, there has been no squad available to man their rescue truck.

Yesterday, however, the District of Columbia appropriations conferees took an action which may remedy this situation by including $1.2 million for 93 positions on the D.C. rescue squads in their bill. I commend the conferees on this action.

I realize the funding level for the 93 positions was not at the requested amount, however, I would like to remind the District of Columbia government that those of us in Congress who are concerned about the safety of the citizens of the Washington metropolitan area will be monitoring the situation closely to be sure that the D.C. government lives up to its responsibilities in this matter.

I am confident that the additional qualified persons hired to operate the rescue squads will definitely upgrade the quality of safety and security for the Metropolitan Washington area.

Mr. COUGHLIN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. PORTER) a member of the subcommittee.

Mr. PORTER. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of the conference report.

I first want to commend the work of my chairman, the gentleman from California, and the ranking minority member, the gentleman from Pennsylvania, along with the other members of the conference committee.

Three points I want to touch on just briefly with regard to the conference report.

One is that it contains an insistence on behalf of the Senate and the House that $20 million be placed toward retirement of the accumulated debt of the District of Columbia, something that the conferees all insisted upon, and something that I intend personally to continue to insist upon and to follow carefully in terms of their financing during the remainder of the fiscal year.

□ 1630

Second, the conference report continues and makes permanent the language that was included in the report last year that limits the D.C. lottery to areas outside the Federal enclave and outside the historic areas of Georgetown. I consider this a very important limitation on the lottery, and it has not been a part of the permanent language of the law.

Finally, the conference report includes $1.2 million additional funding to insure that there be hired 93 additional persons to staff four heavy duty rescue squads for the fire department that we believe very strongly are important to the public safety of the District of Columbia.

The conference report also includes a special crime initiative that the chairman of the subcommittee in the other body felt was very important and that we consider to be very important also, to control crime in the District of Columbia which has reached very high proportions. All in all, I think the conference report is a good piece of work, and I commend it to the Members and urge its passage.

Mr. DIXON. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Speaker, I would like to speak briefly to the objection of my distinguished colleague on the other side of the aisle, the gentleman from Pennsylvania, and point out to the gentleman that the processes in the Home Rule Act that tied the

ceiling, the pay scale of the employees of the District of Columbia to the Federal employees, came into effect by virtue of the fact that the District of Columbia did not have its own personnel procedures.

I would suggest, Mr. Speaker, that by virtue of the fact that the District of Columbia at this very moment does have a clearly established set of personnel procedures now negates any need on the part of the Congress of the United States to continue a cap that would tie the local employees to the Federal pay cap.

I would simply say in conclusion, Mr. Speaker, to my distinguished colleague from Pennsylvania that the local residents raise their own tax revenue in the amount of $1.9 billion, so when my colleague talks about defending the taxpayers' dollars, I think it is terribly important that that statement be placed in its proper context. I would argue as diligently as I possibly can, Mr. Speaker, let us protect the integrity of the right of the local residents of the District of Columbia to determine their own destiny.

We all represent myriad cities and municipalities across this country. Those cities and municipalities do not have their pay scales tied to the Federal Government. We must free the District of Columbia. They are no longer our colony. They are citizens of the United States. They have a perfect right to determine their own pay scales, and I would suggest that we get out of the business of standing here trying to legislate the business of the District of Columbia. We have many more important and substantive matters with which to deal.

The residents of the District of Columbia have a Mayor, they have a city council, they have an established set of rules and regulations to address the problem of pay scales. I do not think it a matter that we ought to address here.

I would urge my colleagues if this matter is brought to a vote, to vote down the proposition to continue the pay cap. The residents of the District of Columbia have their own personnel procedures allowing them to go forward based upon their needs. That is what the spirit and intent of the Home Rule Act was intended to do, and it would seem to me to continue to perpetuate this colonial mentality is to go backward in time and not to go forward and provide the best opportunity for the residents of the District of Columbia to engage in self-determination in the highest tradition of a democratic form of government in general or the spirit of the Home Rule Act in the specific.

Mr. DIXON. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FRENZEL. 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.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 288, nays 79, not voting 66, as follows:

[Roll No. 477]

YEAS—288

Addabbo	Dunn	Kemp
Akaka	Dwyer	Kennelly
Alexander	Dyson	Kildee
Anderson	Eckart	Kindness
Andrews	Edgar	Kogovsek
Annunzio	Edwards (AL)	Kramer
Anthony	Edwards (CA)	LaFalce
Applegate	Erdahl	Lantos
Aspin	Erlenborn	Leach
AuCoin	Evans (DE)	Leath
Badham	Evans (IA)	Leland
Barnard	Evans (IN)	Lent
Barnes	Fary	Levitas
Bedell	Fazio	Long (LA)
Beilenson	Ferraro	Long (MD)
Bennett	Fiedler	Lowery (CA)
Bereuter	Fish	Lowry (WA)
Bethune	Fithian	Lundine
Bevill	Flippo	Lungren
Biaggi	Florio	Madigan
Bingham	Foglietta	Markey
Bliley	Ford (MI)	Marriott
Boggs	Ford (TN)	Martin (IL)
Boland	Forsythe	Martin (NY)
Boner	Fountain	Martinez
Bonior	Fowler	Matsui
Bonker	Frank	Mattox
Bowen	Frenzel	Mavroules
Breaux	Frost	Mazzoli
Brinkley	Garcia	McClory
Brooks	Gejdenson	McDade
Broomfield	Gephardt	McHugh
Brown (CA)	Gibbons	McKinney
Brown (OH)	Gilman	Michel
Burgener	Gingrich	Mikulski
Burton, Phillip	Glickman	Miller (CA)
Butler	Gonzalez	Mineta
Carman	Goodling	Minish
Carney	Gore	Mitchell (MD)
Chappell	Gradison	Moakley
Chappie	Green	Molinari
Chisholm	Grisham	Mollohan
Clausen	Guarini	Montgomery
Clinger	Hall (IN)	Moore
Coelho	Hamilton	Morrison
Conable	Hammerschmidt	Murphy
Conte	Harkin	Murtha
Conyers	Hatcher	Myers
Corcoran	Hawkins	Natcher
Coughlin	Heckler	Neal
Courter	Heftel	Nelligan
Coyne, James	Hertel	Nelson
Coyne, William	Hightower	Nichols
Crockett	Hillis	Nowak
D'Amours	Holt	O'Brien
Daniel, Dan	Howard	Oakar
Daschle	Hoyer	Oberstar
de la Garza	Hubbard	Obey
Deckard	Huckaby	Ottinger
Dellums	Hughes	Panetta
Derrick	Hunter	Parris
Derwinski	Hutto	Pashayan
Dickinson	Hyde	Patterson
Dingell	Jacobs	Pease
Dixon	Jeffords	Pepper
Donnelly	Jenkins	Perkins
Dorgan	Jones (NC)	Peyser
Dougherty	Jones (TN)	Pickle
Dowdy	Kastenmeier	Porter
Duncan	Kazen	Price
Pritchard	Sharp	Walgren
Pursell	Shaw	Wampler
Railsback	Simon	Washington
Rangel	Smith (IA)	Watkins
Regula	Smith (NJ)	Weber (OH)
Reuss	Snowe	Weiss
Rinaldo	Snyder	White
Robinson	Solarz	Whitehurst
Rodino	St Germain	Whitley
Roe	Stangeland	Whittaker
Roemer	Stark	Whitten
Rogers	Stokes	Williams (MT)
Rose	Stratton	Williams (OH)
Rosenthal	Studds	Wilson
Rostenkowski	Swift	Wirth
Roukema	Synar	Wolf
Roybal	Tauke	Wolpe
Russo	Tauzin	Wortley
Savage	Taylor	Wright
Sawyer	Thomas	Wyden
Scheuer	Traxler	Wylie
Schneider	Trible	Yates
Schroeder	Udall	Yatron
Schumer	Vander Jagt	Young (FL)
Seiberling	Vento	Young (MO)
Shamansky	Volkmer	Zablocki

NAYS—79

Albosta	Gunderson	Mottl
Archer	Hall, Ralph	Napier
Ashbrook	Hall, Sam	Patman
Bailey (MO)	Hance	Paul
Benedict	Hansen (ID)	Petri
Bouquard	Hansen (UT)	Quillen
Brown (CO)	Hartnett	Ritter
Broyhill	Hendon	Roth
Campbell	Hiler	Sensenbrenner
Cheney	Hopkins	Shelby
Coats	Jones (OK)	Shumway
Collins (TX)	Lagomarsino	Siljander
Craig	Latta	Skeen
Crane, Philip	LeBoutillier	Skelton
Daniel, R. W.	Livingston	Smith (AL)
Dannemeyer	Loeffler	Smith (NE)
Daub	Lott	Smith (OR)
Dornan	Lujan	Solomon
Dreier	Marlenee	Spence
Edwards (OK)	Martin (NC)	Staton
Emerson	McCollum	Stenholm
Emery	McDonald	Stump
English	McEwen	Walker
Fenwick	McGrath	Weaver
Fields	Mica	Weber (MN)
Gramm	Miller (OH)	
Gregg	Moorhead	

NOT VOTING—66

Atkinson	Findley	McCurdy
Bafalis	Foley	Mitchell (NY)
Bailey (PA)	Fuqua	Moffett
Beard	Gaydos	Oxley
Blanchard	Ginn	Rahall
Bolling	Goldwater	Ratchford
Brodhead	Gray	Rhodes
Burton, John	Hagedorn	Roberts (KS)
Byron	Hall (OH)	Roberts (SD)
Clay	Hefner	Rousselot
Coleman	Holland	Rudd
Collins (IL)	Hollenbeck	Sabo
Crane, Daniel	Horton	Santini
Davis	Ireland	Schulze
DeNardis	Jeffries	Shannon
Dicks	Johnston	Shuster
Downey	Lee	Smith (PA)
Dymally	Lehman	Stanton
Early	Lewis	Waxman
Ertel	Luken	Winn
Evans (GA)	Marks	Young (AK)
Fascell	McCloskey	Zeferetti

□ 1650

The Clerk announced the following pairs:

On this vote:

Mrs. Collins of Illinois for, with Mr. Johnston against.

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AMENDMENTS IN DISAGREEMENT

The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 3: Page 2, after line 19, insert:

SPECIAL CRIME INITIATIVE

For a Federal contribution to the District of Columbia to aid in the detection and prevention of crime, $3,142,600: *Provided*, That $2,342,600 shall be available to the Metropolitan Police Department: *Provided further*, That $800,000 shall be transferred to the Department of Justice for use in the Superior Court Division of the United States Attorney's Office for the District of Columbia.

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

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

There was no objection.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 3 and concur therein with an amendment, as follows: In lieu of the matter proposed by said amendment, insert the following:

SPECIAL CRIME INITIATIVE

For a Federal contribution to the District of Columbia to aid in the detection and prevention of crime, $2,342,600: *Provided*, That this amount shall be available to the Metropolitan Police Department.

For the Department of Justice for use in the Superior Court Division of the U.S. Attorney's Office for the District of Columbia, $800,000.

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 4: Page 2, after line 21, insert:

(INCLUDING RESCISSION)

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 4, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 6: Page 3, line 3, strike out all after "That" down to and including "$145,000,000" in line 5 and insert "there is hereby rescinded $48,832,500 in capital loan authority".

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

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

There was no objection.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 6, and concur therein.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 7: Page 3, line 12, strike out "$68,312,200" and insert "$69,439,000".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 7 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following "$69,545,500".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 17: Page 8, line 17, strike out "$450,550,800" and insert "$465,103,800".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 17 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$466,890,500".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 23: Page 10, line 22, strike out "$17,100,000" and insert "$13,750,822".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 23 and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert the following: "$17,364,100".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 33: Page 18, line 25, strike out "33,109" and insert "33,165".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 33 and concur therein with an amendment, as follows: In lieu of the number proposed by said amendment, insert the following: "33,268".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate Amendment No. 34: Page 18, line 25, strike out "32,052" and insert "32,108".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 34 and concur therein with an amendment, as follows: In lieu of the number proposed by said amendment, insert the following: "32,211".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 35: Page 19, line 10, strike out "28,459" and insert "28,515".

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 35 and concur therein with an amendment, as follows: In lieu of the number proposed by said amendment, insert the following: "28,616".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 39: Page 23, after line 5, insert:

SEC. 125. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code 1-242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) for any position for any period during the last quarter of calendar year 1982 shall be deemed to be the rate of pay payable for that position for September 30, 1982.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945 (D.C. Code 5-803(a)) the board members of the Redevelopment Land Agency shall be paid, during any fiscal year, a per diem compensation at a rate established by the Mayor.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 39 and concur therein with an amendment, as follows: In lieu of section number 125 named in said amendment, insert the following: "126".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

PREFERENTIAL MOTION OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. WALKER moves that the House recede from its disagreement with the Senate on Senate amendment No. 39 and concur therein.

The SPEAKER pro tempore. The gentleman from California (Mr. DIXON) will be recognized for 30 minutes, and the gentleman from Pennsylvania (Mr. COUGHLIN) will be recognized for 30 minutes.

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

Mr. DIXON. Mr. Speaker, I yield myself such time as I may consume.

I have no objection to that and I would agree to it.

Mr. COUGHLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WALKER).

Mr. WALKER. Mr. Speaker, on the motion I have offered I would hope that the Members would vote "no." I am asking for a "no" vote on this motion to recede.

Why? Because to recede and concur with the Senate will allow one employee of the District government to be paid at a rate far higher than even the Members of this body are paid and we are going to set a precedent of breaking the Federal pay cap.

So what I am attempting to do with this is maintain the Federal pay cap as it relates to the City Administrator of Washington, D.C.

From everything I know, Mr. Rogers is a very capable individual but what we have here is a question of how we are going to go about maintaining the kinds of things that we have struggled about on this floor for some time.

Here within just the last few days we have had quite a struggle on this floor about what to do about pay caps.

I would say to the Members, however, that issue is resolved and it will affect the D.C. employees exactly the same way as we have the Federal employees affected.

I would remind Members of this body that the Federal employees in this area live in this city, pay taxes to the city.

What we would be setting up is a dual framework in which they would be capped and would not be given the same kind of pay scale as the D.C. employees.

□ 1700

I think that that is wrong, and I would hope that we would say on this particular motion that we would not recede and thereby, keep on the pay cap.

Mr. COUGHLIN. Let me just say that I concur with the Chairman, who I believe has accepted the gentleman's motion.

Mr. DIXON. Yes, Mr. Speaker, I would be glad to accept the gentleman's motion.

PARLIAMENTARY INQUIRIES

Mr. WALKER. Mr. Speaker, I have parliamentary inquiries.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WALKER. Mr. Speaker, the problem, of course, with the gentleman accepting the amendment is the fact that the motion itself then would be the direction the committee wants to go.

I am asking for a "no" vote on this particular motion.

If the gentleman would agree to having the motion not accepted, then I think that—

Mr. DIXON. Mr. Speaker, I have a parliamentary inquiry.

The gentleman from Pennsylvania has offered a preferential motion to recede and concur with the Senate.

The chairman of the committee and the ranking minority Member are agreed to recede and concur, as his preferential motion indicates.

In that case, is it necessary to have a vote on this?

The SPEAKER pro tempore. The preferential motion does have to be voted on.

Mr. DIXON. Then I would ask for an "aye" vote.

Mr. COUGHLIN. I would also ask for an "aye" vote.

Mr. BADHAM. Mr. Speaker, will the gentleman yield?

Mr. COUGHLIN. I yield to the gentleman from California.

Mr. BADHAM. I would like to engage in a colloquy with the gentleman from Pennsylvania who is putting us through this further agony.

I well understand the attitude of my good friend, the gentleman from Pennsylvania (Mr. WALKER), on pay caps and pay freezes. I understand, perhaps, that he has an attitude that perhaps if we pay people less we are going to get better people.

I am no great fan of the District of Columbia, but I cannot see how, for the life of me, you can administer that city, which is just in terrible shape, by having a pay cap just because the Congress of the United States is stupid enough to go through that exercise of thinking we can get better people by paying them less. Why should we impose that on the citizens of Washington, D.C., who have enough problems of their own?

Mr. WALKER. If the gentleman will yield, I think the question here is one of whether or not we are going to maintain similar pay scales in the Federal Government.

We have an appropriations bill before us that is putting an awful lot of money into the D.C. government. All I am saying is, let us treat the people of the D.C. government that we are helping to pay exactly how we treat the Federal employees.

The gentleman from California has strong feelings that says we ought to raise the overall pay cap. I would say to the gentleman that D.C. employees

will be affected exactly the same way as others, but we should not create special classes of employees.

All I am saying in this particular amendment is, let us keep it just like it has been, let us keep the same pay cap on D.C. employees that we have on Federal employees. That is the way we have operated. That is the way I think it should stay. That is the reason why I am asking for a "no" vote on this motion to recede and concur.

Mr. BADHAM. If the gentleman will yield further, that would cause me to suspect that if we were able to vote on pay caps for the executives of United States Steel, Chrysler, and other companies that are having difficulty in this country, the gentleman would offer that as a motion to put a cap on their salaries. I do not think that would help the economy.

Mr. WALKER. If the gentleman will yield, we do not have appropriation bills for Chrysler. We have got a question here for the D.C. appropriations bill, and that is what I am seeking to change.

Mr. Speaker, I would ask that the question be divided.

The SPEAKER pro tempore. The Chair will divide the question.

Is there further debate?

Mr. DIXON. Yes, Mr. Speaker.

First of all, this amendment only addresses itself to one particular employee of the District government. That employee is the City Administrator for the District of Columbia. It seems to me that any mayor in any city should be allowed to set the salary of his senior administrator within some bounds. And this amendment has a ceiling since it would authorize the Mayor to set the salary of the City Administrator at a rate not to exceed the maximum statutory rate established for Level IV of the Federal Executive Schedule under 5 U.S.C. 5315. And let me make it clear, Mr. Speaker, that the purpose of this amendment is to make the salary for the City Administrator, as set by the Mayor, payable to the City Administrator.

Mr. Speaker, I would ask for an "aye" vote.

The SPEAKER pro tempore. The question is, Will the House recede from its disagreement to the amendment of the Senate No. 39.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. 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.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 236, nays 122, answered "present" 1, not voting 74, as follows:

[Roll No. 478]

YEAS—236

Addabbo	Fowler	O'Brien
Akaka	Frank	Oakar
Albosta	Frenzel	Oberstar
Andrews	Frost	Ottinger
Annunzio	Garcia	Panetta
Anthony	Gejdenson	Parris
Applegate	Gephardt	Patterson
Aspin	Gibbons	Pease
Atkinson	Glickman	Pepper
Badham	Gonzalez	Perkins
Barnes	Gore	Peyser
Beard	Gradison	Pickle
Bedell	Gray	Porter
Beilenson	Green	Price
Bennett	Gregg	Pritchard
Bevill	Guarini	Pursell
Biaggi	Gunderson	Quillen
Bingham	Hall (IN)	Railsback
Bliley	Harkin	Reuss
Boggs	Hartnett	Rodino
Boland	Hatcher	Roe
Boner	Hawkins	Roemer
Bonior	Heckler	Rose
Bonker	Heftel	Rostenkowski
Bowen	Hertel	Roybal
Breaux	Hightower	Russo
Brodhead	Hiler	Savage
Brooks	Howard	Sawyer
Brown (CA)	Hoyer	Scheuer
Burgener	Hubbard	Schneider
Burton, Phillip	Huckaby	Schumer
Campbell	Hunter	Seiberling
Carman	Hutto	Shamansky
Carney	Hyde	Shannon
Chappell	Jeffords	Shaw
Coats	Jones (NC)	Simon
Coelho	Jones (OK)	Skelton
Conte	Jones (TN)	Smith (IA)
Conyers	Kastenmeier	Smith (NJ)
Coughlin	Kazen	Snowe
Coyne, James	Kemp	Solarz
Coyne, William	Kennelly	St Germain
Crockett	Kildee	Stangeland
D'Amours	Kindness	Staton
Daschle	Kogovsek	Stokes
de la Garza	LaFalce	Stratton
Dellums	Lantos	Studds
Derrick	Leland	Swift
Dixon	Long (LA)	Synar
Donnelly	Long (MD)	Tauzin
Dorgan	Lowery (CA)	Thomas
Dougherty	Lowry (WA)	Traxler
Dowdy	Lungren	Trible
Duncan	Markey	Udall
Dwyer	Marriott	Vander Jagt
Dyson	Martinez	Vento
Early	Mattox	Volkmer
Eckart	Mavroules	Walgren
Edgar	Mazzoli	Washington
Edwards (AL)	McClory	Watkins
Edwards (CA)	McDade	Weber (MN)
Edwards (OK)	McGrath	Weber (OH)
Erdahl	McHugh	Weiss
Erlenborn	McKinney	White
Evans (DE)	Mica	Whitley
Evans (IA)	Mikulski	Williams (MT)
Evans (IN)	Miller (CA)	Williams (OH)
Fary	Mineta	Wilson
Fazio	Minish	Wirth
Ferraro	Mitchell (MD)	Wolf
Fish	Moakley	Wolpe
Fithian	Molinari	Wortley
Flippo	Mollohan	Wright
Florio	Moore	Wyden
Foglietta	Murtha	Wylie
Ford (MI)	Natcher	Yates
Ford (TN)	Nelson	Young (MO)
Forsythe	Nichols	Zablocki
Fountain	Nowak	

NAYS—122

Anderson	Brown (CO)	Courter
Archer	Brown (OH)	Craig
Ashbrook	Broyhill	Crane, Philip
Bailey (MO)	Butler	Daniel, Dan
Barnard	Byron	Daniel, R. W.
Benedict	Chappie	Dannemeyer
Bereuter	Clinger	Daub
Bethune	Coleman	Derwinski
Bouquard	Collins (TX)	Dickinson
Brinkley	Conable	Dingell
Broomfield	Corcoran	Dornan
Dreier	Livingston	Rogers
Dunn	Loeffler	Roth
Emerson	Lott	Roukema
English	Lujan	Schroeder
Fenwick	Madigan	Sensenbrenner
Fiedler	Marlenee	Sharp
Fields	Martin (IL)	Shelby
Gaydos	Martin (NC)	Shumway
Gilman	Martin (NY)	Siljander
Gingrich	McCollum	Skeen
Goodling	McDonald	Smith (AL)
Gramm	McEwen	Smith (NE)
Grisham	Michel	Smith (OR)
Hall, Ralph	Miller (OH)	Snyder
Hall, Sam	Montgomery	Solomon
Hamilton	Moorhead	Spence
Hammerschmidt	Morrison	Stenholm
Hance	Mottl	Stump
Hansen (ID)	Murphy	Tauke
Hopkins	Myers	Taylor
Hughes	Napier	Walker
Jacobs	Nelligan	Wampler
Jenkins	Pashayan	Weaver
Kramer	Patman	Whitehurst
Lagomarsino	Paul	Whittaker
Latta	Petri	Whitten
Leach	Regula	Yatron
Leath	Rinaldo	Young (AK)
LeBoutillier	Ritter	Young (FL)
Lent	Robinson	

ANSWERED "PRESENT"—1

Obey

NOT VOTING—74

Alexander	Fuqua	McCurdy
AuCoin	Ginn	Mitchell (NY)
Bafalis	Goldwater	Moffett
Bailey (PA)	Hagedorn	Neal
Blanchard	Hall (OH)	Oxley
Bolling	Hansen (UT)	Rahall
Burton, John	Hefner	Rangel
Cheney	Hendon	Ratchford
Chisholm	Hillis	Rhodes
Clausen	Holland	Roberts (KS)
Clay	Hollenbeck	Roberts (SD)
Collins (IL)	Holt	Rosenthal
Crane, Daniel	Horton	Rousselot
Davis	Ireland	Rudd
Deckard	Jeffries	Sabo
DeNardis	Johnston	Santini
Dicks	Lee	Schulze
Downey	Lehman	Shuster
Dymally	Levitas	Smith (PA)
Emery	Lewis	Stanton
Ertel	Luken	Stark
Evans (GA)	Lundine	Waxman
Fascell	Marks	Winn
Findley	Matsui	Zeferetti
Foley	McCloskey	

□ 1720

Mrs. BOUQUARD and Mr. COLEMAN changed their votes from "yea" to "nay."

Mr. WILLIAMS of Montana and Mrs. HECKLER changed their votes from "nay" to "yea."

So the House receded from its disagreement to the amendment of the Senate numbered 39.

PREFERENTIAL MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a preferential motion.

The Clerk read as follows:

Mr. DIXON moves that the House concur in the amendment of the Senate numbered 39 with an amendment, as follows: In lieu of section number 125 named in said amendment, insert the following: "*126*".

The preferential motion was agreed to.

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I have asked for this time to inquire of the distinguished majority leader the pro-

gram for the balance of this day and possibly tomorrow and beyond.

MR. WRIGHT. Mr. Speaker, will my distinguished friend, the minority leader, yield?

Mr. MICHEL. I am happy to yield.

Mr. WRIGHT. Upon completion of the matter presently before the House, we expect to take up House Resolution 621, creating the Office of the Bicentennial of the House.

Then there are several unanimous-consent requests. Following those unanimous-consent requests, it would be in order to resolve the House into the Committee of the Whole House on the State of the Union for the further consideration of the immigration bill, conclude tonight the remaining 3 hours of general debate that are provided under that rule adopted in the House.

Let me advise my friend of what he already is aware, and through him advise our colleagues that it appears that the other body will require the remainder of today and late into the evening to complete its action on the concurrent resolution. According to the majority leader of the other body, Senator BAKER, it is fully expected that they will conclude that action tonight and then it will take some 4 or 5 hours to get the papers in order.

Therefore, it appears likely that we should not expect to deal with that tonight, but come in at 10 o'clock in the morning and entertain a motion to send the matter to conference, appoint conferees, letting those conferees work throughout the day tomorrow. Nobody knows how long it will take, but it is anticipated that the conferees from the House and the Senate might require the major part of, or all of tomorrow, in order to complete that work.

Once they have reached agreement, all of us know that it requires time to get the papers in order. In this case, surely they must be in impeccable order.

Then that having been done, it would be foolish for the House to stay around possibly until all hours of the night Saturday night or Sunday.

It is hoped that agreements may be reached between friends that friends of ours have in the other body with friends they have in the White House, with a friend they have, in order that what is sent to the White House might be signed. I do not know how likely that is, but we hope.

We would expect maybe to come back in here at 2 o'clock Sunday afternoon and pass the conference committee report; if it is signed by the President, get out and go home. If it should not be—well, I do not even want to entertain other alternatives, because everyone knows that all bets are off.

The expectation would be, and Members need to understand this also, that tomorrow after we had sent the bill to conference it would be in order to take up the pending business in the House and the pending business, obviously, does include the immigration bill.

Mr. YATES. Mr. Speaker, will the gentleman yield?

Mr MICHEL. I yield to the gentleman.

Mr. YATES. The conferees on the Interior appropriations bill have reached agreement. The staffs are now putting that agreement in order and I had hoped that the majority leader would permit us to bring that bill to the floor tomorrow.

Mr. WRIGHT. Well, we will try to get some unanimous-consent requests that would permit that to be done without the waiting period, that bill obviously would have priority and right of way over any other matter.

Mr. YATES. Mr. Speaker, if the gentleman will yield further, the House has already given the gentleman from Illinois unanimous consent to bring the bill up at any time.

Mr. WRIGHT. Fine. Well, the gentleman will be recognized then whenever he seeks recognition.

Mr. YATES. Tomorrow morning.

Mr. WRIGHT. He will have priority, obviously, over other matters.

Mr. YATES. I did not know what the plans of the distinguished majority leader were with respect to the scheduling of business for tomorrow morning. I did not know whether the only business would have been the appointment of conferees. If, as the gentleman indicates, he proposes to have other business, I am pleased to learn the gentleman will permit me to bring up the Interior appropriations bill.

Mr. WRIGHT. I suppose that probably would have first priority among other things

I have no further explanations to make, other than to yield to such questions as might be asked.

Mr. MICHEL. I think maybe we might want to advise the Members that obviously we would be reading the immigration bill under the 5-minute rule if general debate were concluded today and that after those important measures, including the one the gentleman from Illinois (Mr. YATES) talked about, we might find a number of rollcalls on amendments, many of which have been printed in the RECORD, as I understand it, by several Members. It would not be one of those kind of days where Members frankly would want to be absent and miss the kind of prospective rollcalls that might be involved.

Mr. WRIGHT. What the distinguished minority leader refers to tomorrow after we have sent the concurrent resolution to conference, presumably; is that right?

Mr. MICHEL. That is correct.

□ 1730

Mr. WRIGHT. The minority leader is not suggesting that we would entertain amendments tonight; is he? I did not interpret him to be.

Mr. MICHEL. No.

Mr. WRIGHT. It would not be our plan to have amendments tonight.

Mr. MICHEL. Then do I understand that the majority leader will shortly be requesting unanimous consent for recess authority?

Mr. WRIGHT. Yes; I will do that immediately if the minority leader is prepared for me to offer the unanimous-consent request.

Mr. MICHEL. I think we ought very well to tell the Members that there is an alternative here, and that would be to do what we can tonight and break for the weekend. The only problem with that is, once you are here Monday, you know you are going to be here Wednesday or Thursday.

If you really want to make some long-range plans here, it has been the considered judgment of some of us who have been around here a long time that you just better charge on through and get done what you have to get done while the iron is hot. I think, frankly, it would be to the best interest of the Members of the House to do just that.

Mr. WRIGHT. Does the distinguished minority leader suggest that the program might be that slogan of Dr. Pepper, "10, 2 and 4 "? Ten o'clock tomorrow, 2 o'clock on Sunday, and then 4, right down the field?

Mr. RANGEL. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I would be happy to yield to the gentleman from New York.

Mr. RANGEL. Mr. Majority Leader, I get the impression we are shooting for voting on the conference report by 2 o'clock on Sunday, and that is what we are shooting for, but between now and then we will take up the appropriations bill the gentleman from Illinois, Mr. YATES, referred to and we will take up the immigration bill, and I get the idea that there will be a lot of filler that would be going on between now and our objective of 2 o'clock on Sunday.

Have our leaders thought about the possibility of just recessing for a while and coming back at a time certain at the call of the Chair, and assume that the conferees will be ready for us to come back and do something, rather than just sit around voting on amendments on the immigration bill?

Mr. WRIGHT. If the gentleman from Illinois does not wish to respond, I suppose he might yield to me in order that I might.

Mr. MICHEL. Oh, yes.

Mr. WRIGHT. The only response I can make to that is that the chairman of the Committee on the Judiciary,

Mr. RODINO, has waited a long time this year to get his bill out. The Attorney General of the United States has requested, personally requested, of the Speaker that the bill be entertained.

I do not know that I have anything further to say about it.

The SPEAKER pro tempore. The time of the gentleman from Illinois on the 1 minute has expired.

AUTHORIZING THE HOLDING OF A SESSION ON SUNDAY, DECEMBER 19, 1982

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that it shall be in order for a session to be held on Sunday next.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, as I hear this schedule, what puzzles me about the Sunday session is the fact that I think most Members want to come back and get things wrapped up if we can on Sunday. However, it seems to me that you are also saying that we may have to sit around here most of Sunday waiting to see what happens at the White House.

You do not want to entertain that possibility, but I think we should entertain the possibility that we may be here long after Sunday anyhow, and we could very well get into the beginning of next week.

I guess part of the question here is whether or not all this business that we are going to be doing is just a lot of make-work projects that are going to keep us around here through a period of time, and when we get all this permission, we are really not going to accomplish anything according to the schedule that we have been given.

Mr. WRIGHT. Mr. Speaker, will the gentleman from Pennsylvania yield?

Mr. WALKER. I would be glad to yield to the distinguished majority leader.

Mr. WRIGHT. I wonder if the gentleman would amend the question so as to say "make-work, dead-end projects"?

Mr. WALKER. I would be very glad to do that because I think the philosophy is about the same.

No, my problem is that I understand that there are literally dozens of amendments to the immigration bill. We are likely to have all of those offered. We are likely not to get finished with the immigration bill much before the 2 o'clock time that the gentleman set for Sunday. That would mean that that bill would never have a chance to go to the conference committee and it appears likely it would need a conference.

Mr. WRIGHT. The gentleman is absolutely correct. When it comes to Sunday and we sign off on the continuing resolution which, after all, is the necessary business of this session of Congress, then it seems to me we may reasonably assume we do not have any further obligations.

Part of the requests I am in the process of making, if the gentleman will allow the first one to be approved, is the right of the Speaker to declare recesses so that we do not have to be sitting around the Chamber doing dead-end, make-work tasks, as the gentleman would suggest.

Mr. WALKER. I thank the gentleman, but what I am trying to gather, I guess, is whether or not we do have some assurance that if we grant the permission to come in Sunday, that that is in fact going to be when we finish up on early Sunday afternoon.

Is that what the gentleman is telling us at the present time?

Mr. WRIGHT. Earnestly and devoutly hoped, and most surely and determinedly planned for, yes. That is what we want to do. We want to get out of here.

Mr. WALKER. And we should pray for that on Sunday morning?

Mr. WRIGHT. Yes, that is why we do not come in until 2 o'clock, so you can pray all morning for that.

Mr. CONTE. Mr. Speaker, will the gentleman yield to me?

Mr. WALKER. I will be glad to yield to the gentleman from Massachusetts.

Mr. CONTE. The thing is that we have as of this moment, 170 amendments to the continuing resolution and we are going to be banging our heads off with that other side over there late, at least the appropriations conference committee, late tomorrow night, and it is going to take us hours and hours once we reach an agreement to draft the papers and bring all of them back here.

So if we do not come back on Sunday, and you slide this thing over to Monday, and you do not come with a bill that the President is going to sign, if we have a veto we will be here until December 24. This is the only shot we have. If the bill is wrong Sunday, if the President wants to veto the bill, then we can clean it up again Monday and get a new continuing resolution.

So it is essential to come in Sunday.

Mr. WRIGHT. Or if the bill is right and the President wants to veto it, the same thing.

Mr. CONTE. Then we will not get our pay raise.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. DERWINSKI. Mr. Speaker, reserving the right to object, may I have the attention of the distinguished majority leader?

Mr. WRIGHT. The distinguished gentleman from Illinois has my undivided attention, my rapt attention. I can scarcely think of anything else as I look at the gentleman from Illinois.

Mr. DERWINSKI. I feel it is necessary to ask a question on behalf of the many Members who have the same thought on their minds, but for reasons of prudence must remain silent.

In the leadership circles, when the possibility of meeting at 2 o'clock on Sunday was discussed, did anyone think of a contemporary event that might be going on at the same time in which Members would have some special interest?

Mr. WRIGHT. The modern technology, through its miraculous means of communication, has made it possible for Members to participate somewhat vicariously in those events.

Mr. DERWINSKI. In that case, I have two cousins in town. Could they have your tickets for the game?

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. ROYBAL. Mr. Speaker, reserving the right to object, I want to be sure I understand the gentleman's program correctly.

It is my understanding that it is the intention of the majority leader that the debate on the immigration bill, with 3½ hours left, be continued this evening under the same circumstances that prevailed last night. Is that correct?

Mr. WRIGHT. The gentleman means no votes tonight. Is that it?

Mr. ROYBAL. Yes. No votes tonight, and an empty Chamber. Only 17 Members were present last night, and 4 or 5 people in the gallery. We were debating this bill all to ourselves and there was not a single person participating in the debate who did not know the bill inside out.

Is that the condition under which we are to debate?

Mr. WRIGHT. No, if the gentleman would yield, that is not the intention of the leadership. I suppose sometimes things happen that way and you just have to reconcile yourself to them, but I would remind the gentleman from California that there is an ever-increasing avid fanship throughout this country, particularly on the west coast, through the C-Span broadcast of our proceedings might be in prime time on the west coast.

□ 1740

So, they might have a wider audience that they so richly deserve, particularly the speeches of the gentleman from California.

Mr. ROYBAL. May I thank the gentleman for his generosity, but the truth of the matter is that had I know of the debate being broadcast in the State of California, I am not sure that

I would have been proud. There were only 17 Members present all night, all talking to ourselves.

Now, the next question: It is my understanding that should we finish debate tonight, that we will proceed on amendments tomorrow.

Mr. WRIGHT. Yes, I think that is the plan in that it would be pending business once it is reached, but there are other things, of course, that obviously take priority—conference reprots and things of that kind.

Mr. ROYBAL. That I would understand, and I would assume that this bill would be the last one scheduled. Now, I am sure that a Member's rights should be protected, and I am sure the gentleman agrees with that.

Mr. WRIGHT. Yes, sir.

Mr. ROYBAL. I will be a member of the conference, and from what I hear we are going to be busy all day tomorrow and maybe late tomorrow night. I have 107 amendments to this famous bill, and I intend to call a rollcall on every one of them.

Now, my question is this: Will my rights as a Member of this body as a conferee to be protected?

Mr. WRIGHT. The gentleman's rights will be protected by the rules of the House to the extent that they are not inconsistent.

Mr. ROYBAL. My rights then as a Member of this House and as a conferee will be protected, I am the one Member of the House that is carrying more amendments than any other. So, what is the situation with respect to my rights as a Member of this House? Would it mean, then, that my rights will be protected and this bill will not be up for amendments while we are in conference and perhaps not tomorrow, Saturday, or perhaps until Sunday?

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman.

Mr. MILLER of California. It would seem that we will do our 3 hours of debate tonight on immigration, and if we start the amending process tomorrow after we assign conferees and direct them to go to conference, that those conferees will be unable to work, given the anticipated number of rollcalls that is expected on amendments. I have some 20 amendments. Mr. ROYBAL has his 100, and there are others that are on file, and rollcalls are expected. I think that the conferees will lose a considerable amount of weight running back and forth to the conference room.

I think in fact what we see is along the lines suggested by Mr. RANGEL, that to try to do business tomorrow is directly contrary to getting the continuing resolution finished and before us so that we can vote on it, the President can sign it or veto it, and we can get it done, because if we try to do business those conferees are simply going to be unable to do it.

I think we ought to come in at 10 o'clock, direct them to go to conference, come back at 2 o'clock on Sunday, if that is necessary, and vote, and hopefully dispatch this business. The amending process we are going to go through on the immigration bill, unless the majority leader can tell me, when would that be assigned to conference? When would we go to conference?

I just think there is a bit of deception with people who are concerned about this bill, whether they want to pass it or want it to fail. There is no hope that this bill would go to conference and be back and it would become the law of the land. If that is so, we should not engage in this charade and disrupt the continuing resolution conference. We cannot have both events at the same time. I think Mr. ROYBAL is very, very serious about protecting his rights.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. ROYBAL. I yield to the Speaker.

Mr. O'NEILL. I understand the problem, and this is not anything unusual. This happens quite often in this body. If the gentleman from California (Mr. ROYBAL) feels that he would rather be on the floor and he is unable to be with the conference committee, then I would say to him, step aside and we will appoint the second man on his committee in order that we may have a man there. But, we must expedite the business. This is a request from the President of the United States. It is a request from the chairman of the committee, who put in countless hours, and the Congress must do its will, do its duty. If it defeats the bill, then it defeats the bill; but just because one man happens to be tied up, remember that he has his choice. This happens so many times along the line when a Member has two or three committees at different places at the same time.

So, I would say that I am not enamored with the bill myself, to be perfectly truthful, but when the Attorney General of the United States comes over and asks, I do not know how many times, and makes the point that it is important legislation for the Nation, I do not think the opposition party should, just because it does not thoroughly agree, or the leader does not thoroughly agree, but his chairman does, I think they should have their day in court. For that reason, I think we should proceed to follow the normal processes of the business of the House. The normal process is, we will come in at 10 o'clock tomorrow morning. We will take up the continuing resolution, appoint the conferees, take up what other business there is, and then get back to the continuation of this legislation.

If at any time a Member feels that under the rules of the House we ought to stop debate, or adjourn, there are motions to achieve this. But as long as the will of this House is to continue, that will prevails; but it is not reflecting the will of the House when one Member or two Members can, because they are opposed to it, block the legislation. The legislation must go forward.

Mr. ROYBAL. Further reserving the right to object, and I was just listening to the distinguished Speaker, and he is right. We cannot be in two places at one time, but I think that we should not schedule an important bill any time that it may conflict with a continuing resolution. This is all that we have to offer this Nation. We have not been able to pass appropriation bills. This is all we have, and it seems to me that this type of scheduling could have been prevented.

Now, after having said that, I feel that I have two places, then, where I must be whenever it is necessary. On the floor I will be able to call a rollcall on every one of those amendments. Now, the Speaker gave me an idea. He said that we can move to adjourn. It might be a good idea to move to adjourn this evening. It is a privileged motion. I still feel than my rights as a Member are not being protected under the circumstances.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. LUJAN. Mr. Speaker, reserving the right to object, I just reserve the right to object simply to say that of course everybody has commitments and everything, but the ideal solution, because everybody knows this bill is going nowhere since we have 200-some amendments, and we will be spinning off our wheels, I think the ideal solution where everybody saves face and everybody comes out all right is, we just not resolve ourselves into the Committee of the Whole for the consideration of the bill. That is the end. Everybody lives up to their commitments.

□ 1750

Mr. O'NEILL. Well, Mr. Speaker, if the gentleman will yield, the interesting thing is that you can move to strike the enacting clause at the appropriate time. If you strike the enacting clause, then you find out what the real will of the Congress is.

Mr. McCLORY. Mr. Speaker, will the gentleman yield to me?

Mr. O'NEILL. But the crux of the thing is that we cannot postpone legislation because of methods which are designed to prolong the legislation. If

we were to do that, the whole system would fail, and we just have to go on until the backbone of the House is broken or the backbone of the individuals who are trying to prevent the completion to the bill is broken.

Mr. McCLORY. Mr. Speaker, will the gentleman yield to me?

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

Mr. McCLORY. Mr. Speaker, I cannot think of anything more important in this Congress than the immigration bill. As a sponsor of the legislation, I can assure the Members that the administration regards this as extremely important and vital legislation.

I cannot help but appreciate the remarks of the gentleman from California (Mr. ROYBAL) with regard to the scheduling of this bill at this time—a bill with many amendments. The legislation is the subject of intense interest and controversy. I am concerned that our efforts are going to be frustrated and the opportunity for passage of this legislation is going to be lost in this Congress.

I will stay here; I will stay here this evening, I will stay here tomorrow, and I will stay here on Sunday—whatever is needed to try to get this legislation through. But if it does appear that it is not possible to complete action on this legislation and we find that it is indeed just used as a filler to pass the time while the continuing resolution is being considered, I am just wondering whether that is wise action or not.

Mr. O'NEILL. Mr. Speaker, if the gentleman, whoever has the time, will kindly yield, we are not using this as a filler. If the gentleman wants to get with the leadership on this side and if the leaderships both agree with the committee that they want to pull the legislation, the Chair would be willing to pull it. But until they give us an acknowledgment of that type, then we will go along in the regular procedure, because we just cannot accede and acquiesce to the will of those who deliberately try to frustrate legislation. The body just does not work that way, and while I am Speaker, it will not work that way.

Mr. McCLORY. Mr. Speaker, if the gentleman will yield, I think perhaps at the conclusion of our general debate we might know what the prospects are.

Mr. LUJAN. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

AUTHORIZING THE SPEAKER TO DECLARE RECESSES DURING REMAINDER OF THE 2D SESSION, 97TH CONGRESS, AND MAKING IN ORDER VARIOUS PROCEDURES FOR CONSIDERATION OF CONFERENCE REPORTS AND REPORTS FROM COMMITTEE ON RULES

Mr. WRIGHT. Mr. Speaker, I ask unanimous consent that during the remainder of the 2d session, 97th Congress: First, it shall be in order for the Speaker to declare recesses at any time subject to the call of the Chair; second, it shall be in order at any time to consider conference reports and amendments reported from conference in disagreement on the same day reported or any day thereafter, notwithstanding the provisions of clause 2, rule XXVIII, if copies of the statement, together with the text of any such amendment reported from conference in disagreement. Have been available to Members for at least 1 hour before the beginning of such consideration, and subject to the requirement of an announcement of the floor of the House by the Speaker or his designee at least 1 hour before the consideration of any conference report and amendments reported from conference in disagreement (and any said conference report or amendments in disagreement shall be considered as having been read when called up for consideration); and third, it shall be in order to consider reports from the Committee on Rules as provided in clause 4(b), rule XI, except that the provision requiring a two-thirds vote to consider said reports shall be suspended during such period.

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

Mr. MILLER of Ohio. Mr. Speaker, reserving the right to object, some of us have been around for a little while and have been through the very thing we are talking about right now, and we find that the Members are in their offices and they are waiting for the Speaker to call them back to the House. We have found over a period of time that when we have a time certain set, so that once we were in recess and waiting for the call of the Chair, it would be much better because all the Members would know of a set time before a call of the Chair. Members would be free to make their plans and do what is necessary, and it would be necessary only for a few Members to come here to the House floor at that given hour.

Mr. Speaker, would the majority leader consider amending his request to make a time certain available for the Members?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MILLER of Ohio. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, I surely do agree that ordinarily, under normal circumstances and almost under any circumstance, when a time certain is reasonable to be determined, it is to the advantage of the Members for the Speaker to notify them when it is expected that we might resume a session. I think the Speaker usually does that. But unless the Speaker has some discretion in the matter, we find ourselves tied down to a time certain when quite possibly we might be able to return earlier and expedite the procedure.

So I really believe that the gentleman should probably agree to this request which allows the Speaker the discretion of declaring recesses at any time subject to the call of the Chair.

I know that the Speaker will, wherever possible, give the Members ample advance notice as to when he expects to call us back. I think he needs that flexibility.

This is the routine motion that has been approved, sometimes by unanimous consent, sometimes brought from the Rules Committee, but it is identical to the powers and rights that have been given the Speaker in the last closing days of every Congress.

Mr. MILLER of Ohio. Continuing with my reservation of objection, Mr. Speaker, I recall times under such conditions as we have right now when Members were in their offices almost all night wondering if the Speaker would be calling for a session of the House, and all I am asking is that we have some indication ahead of time.

Mr. WRIGHT. Yes. Mr. Speaker, I wonder if the gentleman would be satisfied with an arrangement of this kind: That we would agree that the Speaker would give the Members a minimum of 30 minutes notice prior to calling us back in. Would that suffice as a guarantee?

Mr. MILLER of Ohio. We would still be waiting.

Mr. WRIGHT. Mr. Speaker, does the gentleman want to wait for 2 hours if he can come back in in 30 minutes and finish something? Surely the gentleman would not want to maintain that once the Speaker declared a recess we could not come in before 2 hours had lapsed.

Mr. MILLER of Ohio. Mr. Speaker, I believe we could set a time certain and still come back prior to that, giving the Speaker authority to call the membership back at any hour but making sure that we also had a set hour.

All we are trying to do is to not have the Members sit in their offices hour after hour waiting to be called.

Mr. WRIGHT. Mr. Speaker, if the gentleman will yield, I sympathize with what the gentleman says. I, like all other Members, have been subjected to those uncertainties in the closing days of a conference.

I wonder if the gentleman would find this kind of an arrangement agreeable: that the Speaker would give

as much advance notice as possible, and in any event, a minimum of 30 minutes advance notice. Would that be satisfactory?

Mr. MILLER of Ohio. Mr. Speaker, would the gentleman settle for 1 hour?

The SPEAKER pro tempore. Is there objection to the request of the majority leader?

Mr. WALKER. Mr. Speaker, reserving the right to object, it was very difficult to hear when the gentleman was reading all of the provisions of his unanimous-consent request, but I gather that there were a number of things that the Speaker was going to be permitted to do with regard to deciding what legislation would come out, what the Rules Committee would be allowed to report, and what we would be considering on the floor.

That causes me to question whether or not there are specific items the gentleman has in mind that he is going to bring out and whether or not we could not specify what it is we are going to be doing rather than giving these kinds of general, rather wide discretionary power.

□ 1800

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

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

Mr. WRIGHT. I am sorry. Of course it was a long request. Let me summarize it thusly: Three things. These are the standard things that are allowed to a Speaker at the close of Congress.

First the right to declare recesses subject to the call of the Chair. That is No. 1.

Second, the right to consider conference reports when they are ready without subjecting ourselves to the requirement that they lay over a certain period of time. I think we need that.

Mr. WALKER. If I can reclaim my time just a moment on that one, we do have a 3-day rule on that one. What the gentleman is now saying is that we are going to a 1-hour rule if I heard the gentleman correctly earlier.

Mr. WRIGHT. If the gentleman would yield, surely the gentleman would not want to subject the conference report on the continuing resolution to a 3-day rule, for example.

Mr. WALKER. The gentleman is trying to be reasonable with the majority leader. But I am concerned that whether or not we have some specific conference report in mind here so that the Members could have some idea as to what they are going to have an hour to ascertain before it comes to the floor.

Can we get a list of bills that would be considered under this provision and be limited to only that list that will be considered during the period of time that this particular motion is in effect?

Mr. WRIGHT. If the gentleman would yield, I do not know of any situation in which the request has been confined at this stage of the legislative session to certain things.

I can enumerate two or three things I am aware of. There is no specific legislation in mind except, first of all, the continuing resolution.

Mr. WALKER. Obviously.

Mr. WRIGHT. Once that is agreed to I think everyone on the majority and miniority side are amenable to the idea of our adjourning sine die.

Mr. WALKER. Yes. We do not disagree on that.

Mr. WRIGHT. There may be some others.

Mr. MICHEL. Might I ask the gentleman to yield to me?

Mr. WALKER. I yield to the gentleman.

Mr. MICHEL. There is still an outside chance, bear in mind, that when the conferees are meeting on the conference report that the other body will be taking back and considering the highway bill.

Mr. WRIGHT. The gentleman is correct.

Mr. MICHEL. That now has passed the House. They have gone through a great deal of turmoil and very spirited debate in the other body. But if they should come to an agreement, it seems to me again both Houses having worked so long and arduously on that piece of legislation that if a conference report can be fashioned within a few hours that that ought to be done.

Of course, following up closely on what the Speaker was saying earlier on a measure that passed the House by near unanimous vote, and all of the work that had gone on here, there was no filler. I would have to support the Speaker's observation there, that our consideration even of the immigration bill was not filler.

But going back to the point in question, this is pretty much of a routine request from prior years, if I understand.

Would the gentleman be satisfied, frankly, if that request were limited to conference reports on appropriation bills?

I know of no other conference report that is in the wings other than a possible agreement on another appropriation bill. If that is possible of achievement and attainment, we ought to move with that because it takes precedent over CR.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. WALKER. Let me yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

There is one conference report on false identification that we have worked on and it is the culmination of 5 years' work. So that conference committee report is filed, it is ready, and I would hope that you would not confine it just to appropriations and that we could get that one in, too.

Mr. WALKER. Further reserving the right to object, I yield to the majority leader.

Mr. WRIGHT. I am advised that there is the possibility of a conference report before we conclude finally on the continuing resolution on one or more appropriations. There is the possibility of a conference report on one or more matters from Ways and Means. There are several matters from the Ways and Means Committee that are now in conference.

I am advised of the possibility that the distinguished minority leader mentioned a moment ago on the highway legislation.

There is also the possibility that the other body might seek to amend what we did earlier today on the Caribbean Basin legislation and send it back to us.

It is impossible to predict with absolute accuracy what the other body might in its wisdom do with legislation that has been passed by this body. If we do not get a general permission of this kind, then it would be necessary, obviously, for us to go to the Rules Committee and seek a rule on each one of these and thereby delay proceedings further.

The purpose of this is not to conceal anything but, rather, simply to expedite the business of the House in order that we can adjourn in a timely fashion.

Mr. WALKER. Further reserving the right to object, one of the great problems that has arisen in late sessions——

Mr. VOLKMER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. Regular order is called for.

Is there objection to the request of the gentleman from Texas?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman objects.

Does the gentleman insist on regular order?

Mr. VOLKMER. Mr. Speaker, I withdraw my request for regular order.

The SPEAKER pro tempore. The gentleman withdraws his request for regular order.

Is there objection to the unanimous consent request?

Mr. WALKER. Mr. Speaker, reserving the right to object, the point I was attempting to make was that one of the problems we have had is that there have been a number of bills that have gone through Congress in the late hours where Members have very little notice and only found out days later what it was that really passed through the Congress at the end.

That is a problem and I think it is a problem that is perceived by the American people as we get into these late hours.

What this gentleman is attempting to assure is that we have some ability for the Members to understand what might be coming before them so we can properly assess what we should be doing in our role as legislators.

I am just asking whether or not we could not develop a list of bills that would be considered under this hurry up process with the understanding that if there is an emergency kind of bill that comes on, that that sort of thing could be negotiated, but so there would be some idea of what we are doing here in the final hours of the session.

I do not think that is an unreasonable request when we are talking about broad discretionary powers and the kinds of powers that do not allow the Members a very good opportunity to look at these bills real close.

We are talking about 1 hour of time.

I will be glad to yield to the majority leader.

Mr. WRIGHT. I wonder if the gentleman would be satisfied if we were to stipulate that this unanimous consent request with reference to the privilege of conference committee reports to be heard might apply only to matters presently in conference and/or matters likely to be subject to conference pursuant to actions by this House.

Would that satisfy the gentleman?

That would be very helpful I think.

Mr. WRIGHT. Let it be so stipulated, then.

Mr. WALKER. The gentleman had a third item on the list as well.

Mr. WRIGHT. The third item is that it shall be in order to consider reports from the Committee on Rules as provided in clause 4B, rule 11, except that the provision requiring a two-thirds vote to consider said report shall be suspended during such period.

That is the provision requiring a two-thirds vote in order to take up a report from the Rules Committee without its having been laid over for a stipulated period of time.

Mr. WALKER. I thank the gentleman.

Can the gentleman give us an idea of what bills we might be considering taking to the Rules Committee for rules to come to the floor?

Mr. WRIGHT. The continuing resolution might require a rule on a conference report. There might conceivably be a rule required on a conference report which might come pursuant to our action on the highway bill.

I do not know that there will be. There might be.

Mr. WALKER. Those are the two that the gentleman would think that proviso could apply to?

Mr. WRIGHT. Or the Caribbean Basin bill.

Mr. LOTT. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Mississippi.

□ 1810

Mr. LOTT. Mr. Speaker, I would like to ask the distinguished majority leader a question but also to comment. Nuclear waste is one that might require a rule if a compromise agreement could be worked out.

I would ask the gentleman to yield, just one final question.

Does the gentleman have any idea what would be the hour Saturday afternoon or night that we would stay in session assuming we take up the regular order of business?

Mr. WRIGHT. We follow the will of the House.

Mr. GIBBONS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would be glad to yield to the gentleman from Florida.

Mr. GIBBONS. I thank the gentleman for yielding.

Mr. Speaker, I just want to point out that the Senate has been hitting on a number of noncontroversial bills that perhaps 100 Members in this House, individual bills, that they introduced and were passed here unanimously, without any dissenting votes. They have been sitting on them sometimes for a year and a half for no reason other than something that I do not understand.

We have not gone to conference on them. We understand at the last minute the Senate will spring them all loose. We may have to go to conference. But there will not be any great big surprises. I hope there will be no objection to those kinds of bills. They were noncontroversial to begin with. We will do all we can to keep the controversy out of them.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I would simply say the gentleman will not object within the limitations that the majority leader has suggested. If those are the rules under which we are going to operate for the last several hours, I will not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas (Mr. WRIGHT)?

Mr. MILLER of Ohio. Reserving the right to object and I will not object, I will only take a few seconds.

We were discussing the time certain when the Speaker would call the body back. We have had the problem. The Speaker has been here under other Speakers when we have been greatly inconvenienced, and the membership stayed here overnight.

I have spoken to the Speaker. He in turn has said that he would do all that he could, inform us the best he can, and his word is good enough for me. So we will not be waiting for hours and hours. So we will leave it in the hands of the Speaker. I appreciate that.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas (Mr. WRIGHT)?

Mr. HUCKABY. Mr. Speaker, reserving the right to object, if I understand now bills that have been passed by both the House and the Senate but yet no conferences have ever been held will not be considered under the gentleman's unanimous-consent request?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

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

Mr. WRIGHT. I thank the gentleman for yielding.

No, I did not make any stipulation to that effect.

Mr. HUCKABY. Would the gentleman elucidate his statement to the gentleman from Pennsylvania (Mr. WALKER) regarding this.

Mr. WRIGHT. I suggested that the unanimous-consent request permitting conference reports to be considered would apply only to those bills presently in conference or those bills likely to go to conference pursuant to action that has been taken or will subsequently be taken in this House.

Mr. HUCKABY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas (Mr. WRIGHT)?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 40: Page 23, after line 5, insert:

SEC. 126. Notwithstanding any other provision of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act, D.C. Law 2-139, enacted pursuant to the District of Columbia Self-Government and Governmental Reorganization Act of 1973 (Public Law 93-198; 87 Stat. 744), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 40 and concur therein with an amendment, as follows: In lieu of section number 126 named in said amendment, insert the following: "127".

Mr. DIXON (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

Mr. WALKER. Mr. Speaker, I ask the question be divided.

Mr. DIXON. Mr. Speaker, I do not want to belabor this issue at this hour. The motion I have offered is basically the same motion that passed this House by a vote of 236 to 122 a short time ago. It applies to all of the employees of the District of Columbia government and would allow the District governmant to establish its own salary levels under its own merit personnel system which has been in effect since January 1, 1980.

Mr. Speaker, I ask for an "aye" vote.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. PORTER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I would submit to the membership the question now before us is a far more serious question than just outlined to us by the gentleman a moment ago.

The question before us is whether or not we are going to pull out from underneath the Federal pay cap all of the employees of the District of Columbia.

What we have done since home rule took place in this city is through the Federal contribution we have assured that the D.C. employees like the rest of the Federal employees are maintained under a pay cap.

What I am attempting to do is to assure that that Federal pay cap stays on the D.C. employees as it has always been there.

I think that we should not make the D.C. employees into a privileged class in this area. Federal employees pay taxes to this city. They are the ones who help pay D.C. salaries. It seems to me that we should maintain a system that says that the pay cap that applies to Federal employees also applies to D.C. employees and by voting no on the motion to recede, that is what we are doing.

The SPEAKER pro tempore. The question is whether the House shall recede from disagreement to Senate amendment 40.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. 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. The Chair will count. Two hundred nineteen Members are present, a quorum.

Mr. WALKER. Mr. Speaker, that was an interesting count. I thank the Speaker.

Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to.

Mr. WALKER. Mr. Speaker, I might say we are going to have more votes, then, this evening.

The SPEAKER pro tempore. The question is now on concurring in the Senate amendment with an amendment.

The question was taken and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. 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. The Chair will count for a quorum. Two hundred nineteen Members are present, a quorum.

Mr. WALKER. 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. The Chair will advise the gentleman that he just counted a quorum.

Mr. WALKER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to.

□ 1820

The SPEAKER pro tempore. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 41: Page 23, after line 5, insert:

SEC. 127. None of the funds appropriated by this Act may be used to transport any output of the municipal waste system of the District of Columbia for disposal at any public or private landfill located in any State, excepting currently utilized landfills in Maryland and Virginia, until the appropriate State agency has issued the required permits.

MOTION OFFERED BY MR. DIXON

Mr. DIXON. Mr. Speaker, I offer a motion, and I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The motion is as follows:

Mr. DIXON moves that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur therein with an amendment, as follows: In lieu of section number 127 named in said amendment, insert the following: "128".

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the conference report and the several motions was laid on the table.

GENERAL LEAVE

Mr. DIXON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

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

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON SMALL BUSINESS TO FILE AN INVESTIGATIVE REPORT

Mr. MITCHELL of Maryland. Mr. Speaker, I have an earthshaking request after this high-powered discussion about some little silly procedural stuff.

Mr. Speaker, I ask unanimous consent that the Committee on Small Business may have until midnight to file an investigative report with the Clerk of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. MITCHELL of Maryland. Mr. Speaker, I move that the Committee on Small Business may have until midnight to file an investigative report with the Clerk of the House.

The SPEAKER pro tempore. That is not a proper motion, the Chair would announce.

Mr. MITCHELL of Maryland. Well, Mr. Speaker, does the gentleman from Pennsylvania want to reconsider?

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. MITCHELL of Maryland. Yes.

Mr. WALKER. Well, the gentleman just referred to the procedures of the House and the rules of the House, which this gentleman was obeying, as being "silly procedures," and so on.

I just want to remind the gentleman that the rules apply two ways.

Mr. MITCHELL of Maryland. Well, I understand, but let me just tell the gentleman something. If the gentleman thinks I was talking about him and the shoe fits, wear it.

AMENDING RULES OF THE HOUSE OF REPRESENTATIVES TO ESTABLISH AN OFFICE FOR THE BICENTENNIAL OF THE HOUSE OF REPRESENTATIVES

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up a privileged resolution (H. Res. 621) to amend the Rules of the House of Representatives to establish an Office for the Bicentennial of the House of Representatives, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 621

Resolved, That rule I of the Rules of the House of Representatives is amended by adding a new clause 10 as follows:

"10. (a) There is hereby established in the House of Representatives an office to be known as the Office for the Bicentennial of the House of Representatives. This office will coordinate the planning of the commemoration of the two-hundredth anniversary of the House of Representatives.

"(b) The management, supervision, and administration of the Office shall be under the direction of the Speaker of the House of Representatives and shall be staffed by a professional historian. The Historian shall be appointed by the Speaker of the House of Representatives without regard to political affiliation and solely on the basis of fitness to perform the duties of the position. Any person so appointed shall serve at the pleasure to the Speaker.

"(c) All expenses of such office may be paid from the contingent fund of the House on vouchers solely approved and signed by the Speaker, until otherwise provided by law or resolution.

"(d) The Office shall cease to exist not later than September 30, 1989, unless otherwise provided by law or resolution.".

The SPEAKER pro tempore (Mr. BROWN of California). The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, in 1989 we will commemorate 200 years of the operation of this great Government.

The Senate has already provided by appropriate resolution for a bicentennial study group to recommend appropriate functions to commemorate the 200th anniversary of the functioning of the U.S. Senate as a part of the legislative department of the Government of the United States. It seems to the Rules Committee, which had original jurisdiction in this matter, only appropriate that the Members of this House at the same time would want to commemorate the 200th anniversary of the functioning of this House of Representatives, the people's body of which we are so proud and of which we proudly are Members.

Mr. Speaker, all this resolution does is to begin to prepare for the commemoration of that 200th anniversary of the beginning of the functioning of the House by allowing the Speaker of the House to employ a historian and possibly an assistant to the historian to function only until September 30 of 1989. This is not a permanent historian for the House. It is only to begin to prepare for the commemoration of the 200th anniversary of the beginning of the functioning of this great House of Representatives. That is all it is.

No money is appropriated. The small amounts that will be conferred as expenses come out of the contingent funds of the House. The whole operation is under the direct control of the Speaker.

Now, the able gentleman from Illinois (Mr. SIMON) was part of a working group that was set up by the Speaker to engage in this kind of preparation.

Mr. Speaker, I am glad to yield to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Speaker, I thank my colleague from Florida.

Mr. Speaker, I simply want to join in this effort. I think it is important for us as a nation if we want to know where we are going to know where we have been; so I think it is important for that reason.

I would add, I think it can actually save money for this body because while we are not talking about a formal historian, the person so designated could advise this body what papers we ought to be saving, how we ought to be storing them and some things that frankly we are not doing right now; so I believe it not only is important historically, I think it could actually save some money for this body.

Mr. PEPPER. Mr. Speaker, I thank the able gentleman.

I yield to the gentlewoman from Ohio (Ms. OAKAR).

Ms. OAKAR. Mr. Speaker, I thank the gentleman for yielding.

I think this is very, very important, that we support the gentleman from Florida (Mr. PEPPER).

Americans sometimes have an appalling lack of sense of history. We do have a very, very fine history, as short as it is. It is very, very important that we celebrate the 200th anniversary of this institution and the Constitution. That is why I think it is important that we plan for this and that is what this legislation does.

I, for one, hope that as good Americans we can support this legislation.

Mr. PEPPER. Mr. Speaker, I thank the gentlewoman.

I yield to the gentleman from Texas (Mr. HIGHTOWER).

Mr. HIGHTOWER. Mr. Speaker, I want to congratulate the gentleman for the resolution. I think it is very important that the House take note of the pending 200th anniversary.

I am glad to know that the Senate has already taken that action. I think we might be left behind in a very important area.

The importance of the Bicentennial of the U.S. Government will become more evident as we move toward that historic day. It is going to take some planning and I congratulate the gentleman for this resolution that will begin the planning on the part of the House.

Mr. PEPPER. Mr. Speaker, I thank the able gentleman very much.

I yield now to the able gentleman from Tennessee (Mr. QUILLEN).

□ 1830

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a good resolution. Upon its adoption, and after the Office for the Bicentennial of the House of Representatives is established and it performs its duty, then it will expire in 1989.

The other resolution which was before us in September and which was defeated created the Office of Historian which would have been on a permanent basis, but what is wrong with that? I am proud of this House of Representatives. I think that the Nation should likewise be proud, even though now the image of the House is at a very low ebb.

I think the Office for the Bicentennial of the House of Representatives will come up with a program that will help us reestablish the great image that this body deserves and I am for the resolution. I would urge my colleagues to vote for it without any hesitation.

Funds for it will come from the contingency fund. No additional funds will be required, so I cannot conceive of any opposition.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. LATTA), who handled the rule on the previous Office of the Historian, and I am glad that he is looking at me with a smile on his face. I hope he has been converted.

Mr. LATTA. Mr. Speaker, I may say to my good friend, back in September, to be exact on September 24, 1982, this House acted very wisely on a very similar matter and voted 180 to 132 not to spend taxpayers' money in this manner.

What are we talking about?

Mr. PEPPER. Mr. Speaker, will the gentleman yield for a question?

Mr. LATTA. I will be happy to yield to my good friend, the gentleman from Florida.

Mr. PEPPER. I thank my distinguished colleague for yielding.

My distinguished colleague on the Committee on Rules, and my friend, I point out there was a difference between this resolution and the one that was defeated by the House. That resolution provided for a permanent historian. This is only a temporary historian.

Mr. LATTA. Mr. Speaker, we understand there is not anything more permanent around this House than something temporary.

Let me say I think this is quite a devious way to get around the action of the House on September 24, 1982.

Now, what are we talking about? We are talking about something that does not take place until 1989. This is 1982. Now we are going to establish an office here to go forward with something that is going to happen in 1989?

I am amazed to hear on the floor that this is not going to cost anything. Now that is ridiculous on its face. How

in the name of sense do you think that money gets into the contingency fund of the House? Does the House manufacture it? Does it find it in the aisles? Does it find it on the street? It takes it from the same taxpayers' pockets that it was going to take it from on September 24 had the House not acted wisely and said we do not need to make those expenditures now for 1989.

We heard the foolish argument that the Senate, the other body, has been doing this. Well, now, they do some foolish things. Does that mean that the House has to do some foolish things?

The Senate established the so-called historian to do the same type work back in 1975. The House has lived without this type of an office, gotten by all these years, and saved the taxpayers some money. We have had the use of the Library of Congress, the Archives, yes, and even the Architect of the Capitol to do the same thing that they want this office to do now.

As a matter of fact, over in the Senate they had to come up with a historian, believe it or not, another one. As I stand here before you now, this individual is drawing $46,655 per year. From whom? The pockets of the taxpayers of this Nation.

We have lived without it. We have not been dipping into the taxpayers' pockets since 1975 to the tune of $46,000 for such an office. What has he been doing? Have you read anything about what he has been doing? We did not know he existed until this matter first came up. Lo and behold he had to have an assistant to do what we did not know he was doing. I wonder if the Senate knows what this illustrious gentleman or woman happens to be doing for $34,414 a year?

The SPEAKER pro tempore. The time of the gentleman from Ohio (Mr. LATTA) has expired.

Mr. QUILLEN. Mr. Speaker, I will be glad to yield a couple of additional minutes to the gentleman. Let me give him the report.

Mr. LATTA. I have read the report.

Let me say I might need more than 2 additonal minutes, but I will take the 2.

They even have a photo historian over in the Senate, and he or she, whichever it might be, is drawing $33,490 a year.

They have an assistant historian, $18,940.

They have a secretary, and my, we have a lot of secretaries running around this place and we could probably loan them a few from some of these offices, especially on the staff; $18,016. A research assistant, $15,000, for a total sum out of the taxpayers of $151,515 for what they are doing. I do not know and many people do not even know they exist. They have an office staff, they have everything wrapped up into an office that nobody knows what they have been doing since 1975.

They have used the lame excuse on this side that we have to expend the taxpayers' money in a similar manner in order to pass this type of legislation for something that is supposed to take place when; 1989—1989?

The House spoke plain and clear on this issue on September 24 when they wrote it on the record, 132 yeas, and 180 nays, to save the taxpayers this expense.

Let me say this idea of going into the contingency fund of the House leaves an open door. It is open ended. They can drive in there and rake out as much as they could possibly get. They could create not only these offices, but many, many more. Let me remind my friend that the taxpayers put that money into the contingency fund of the House, and we should not permit this to take place.

We can do without it. Let us do the same thing we did on September 24 and vote down this scheme to take more money from the taxpayers of this Nation.

□ 1840

Mr. QUILLEN. Mr. Speaker, prior to yielding, I would like to say that the resolution that we had up in September was to create a permanent Historian of the House. This resolution is different. Also, what the Senate has done is not really comparable with the Bicentennial Office of the House of Representatives. I think that the costs of the House office will be much, much less. There is a deadline on which the House office expires.

I know my good friend from Ohio (Mr. LATTA) is very sincere and most persuasive. But I hope that the membership will consider that the image of this House is now at a low ebb. We have an opportunity on our 200th anniversary to project an image that will have a lasting positive effect. We can emphasize that this democracy of ours is the longest continuous democracy in the history of the world.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, I regret that I was not here when this proposal was brought up before in slightly different form. I would have liked to have spoken in support of it. I say to the gentleman from Ohio, who has been heaping the idea of a historian of this body high with scorn and contumely, and calling it an ill-advised expenditure of money, I hope that some historian will take some interest in this institution at some point in the history of this country. Professional historians have had very little interest in Congress. Were it not for some historical analysis of this body, one could say that we have done nothing but agitate the air and use up, if I may say, an undue amount of newsprint in the CONGRESSIONAL RECORD. If you feel that the CONGRESSIONAL RECORD constitutes a sufficient analysis of our work here, then you expect more of posterity than I do.

Someone should do some institutional analysis. We have many pilot projects and experiments which are appropriate to Government, whether they be in the field of health or economics or any other area. When we vote money for such pilot project, it is always regrettable if somebody does no analysis at the end of the experiment to see if it has been effective in trying to achieve the ends of Government that were sought to be achieved. It would be regrettable if this great experiment in democracy were not to have somebody organize the records of this House in some way that history could easily use it, because unless we have that type of analysis finally, indeed what we are doing is agitating the air.

I acknowledge that any amount of spending of money is regrettable at a time like this, but it does seem to me that history has its place, and indeed if the gentleman from Ohio wishes to live in history himself I would hope that he would not let his deathless words die away on the empty air without some record being made of them other than in the aforementioned compilation of newsprint, in which I am afraid they may otherwise remain buried forever in obscurity.

I hope this House will take seriously the opportunity for the appointment of an historian, at least a temporary historian, at a time when we should be going back and viewing this institution in an historical perspective as we prepare for the bicentennial of our role as an element of constitutional government. I know that the gentleman reveres the Constitution. I know that he has some respect for the Founding Fathers.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. QUILLEN. Mr. Speaker, I yield 2 additional minutes to the gentleman from New York.

Mr. LATTA. Will my beloved friend yield?

Mr. CONABLE. I will yield to my beloved friend.

Mr. LATTA. Are we supposed to come forward with a historian now to tell about the history of the Constitution?

Mr. CONABLE. I would hope a historian would organize the multitudinous records of this institution in such a way that we can see if this experiment in democracy indeed lives up to the promise it had in those bright days when our Founding Fathers were not afraid to take a few risks in behalf of democracy.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. CONABLE. I yield.

Mr. McCLORY. Mr. Speaker, this is not the bicentennial of the Constitution the gentleman is talking about. That is project 187. I happen to be on the Advisory Committee of Project 187. It seems to me that that observance ought to have a higher priority. That event is occurring first. We should have in place at the present time a commission to prepare for the appropriate celebration of the bicentennial of the Constitution, which I feel should receive greater attention than the bicentennial of the Declaration of Independence which was so highly successful.

Mr. CONABLE. I do not disagree with what the gentleman is saying, but I will say that this constitutional institution, the House of Representatives, deserves some historical analysis on its own.

Mr. McCLORY. I do not disagree with the gentleman, but I think by deciding now that we are going to establish a method for the bicentennial of the Congress, which occurs in 1989, while we neglect the establishment of a commission to celebrate the bicentennial of our Constitution in 1987, we are putting the cart before the horse.

Mr. CONABLE. Well, I think we need both the cart and the horse, if the gentleman will forgive me.

I would like to call to the attention of all the Members the report No. 97-967, because in there is set forth in some detail the work that is being carried forward by the Senate Historian's Office. That might suggest the possibility of our seeking some historical parity with the Senate.

Mr. PEPPER. Mr. Speaker, I yield 3 minutes to the able gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Speaker, I thank the gentleman from Florida. This kind of illustrates one of the old instances—and I see one of my friends with whom I served in the Illinois Legislature—we would have a bill up costing billions of dollars, and it would breeze through, but we would have a bill up to raise the fishing license by 50 cents, and we would have endless debate.

Now, we have a bill that says, for this country of 220 million people, let us have one historian for the House for this event coming up, and we end up taking all kinds of time here.

There are three reasons, I think, why we ought to move ahead. One is, that person appointed as his or her Senate counterpart can remind us of what we stand for. You know, you can argue, you can use arguments of my good friend from Ohio against spending money to buy a flag. There is little utilitarian value, but the flag tells us what we stand for as a nation and what we have stood for, and I want that historian to do that.

We need the analysis that our colleague from New York has talked about.

No. 3, the point is that we can end up saving money because we need the records of this House organized and they are not organized. We have some of the most valuable space in this Nation here in the three office buildings and in this Capitol Building, and believe it or not, it is chaos as far as how we are organizing the papers.

□ 1850

We ought to be utilizing our space much more effectively, and if we hire a historian who is worth anything, that historian is going to save us a great deal of money.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. SIMON. I yield to my friend, the gentleman from Ohio.

Mr. LATTA. Mr. Speaker, I am pleased that the gentleman yielded to me, and I am glad to know that we have such a weak piece of legislation here that the gentleman from New York (Mr. CONABLE) had to wrap the Constitution around it and now the gentleman from Illinois is wrapping the flag around it to try to bury it.

I think this thing ought to stand or fall on its own merits. The gentleman does not need to do that if this is such a good piece of legislation. Since the gentleman served on the Budget Committee so ably, I am sure that he always wanted to save some money, whether it was $300 billion or $400 billion or $500 billion, or whether it was $300 million or $400 million, or whether it was $300,000 or $400,000.

Mr. Speaker, I ask the question, if we do not need something, why do we have to have it?

Mr. SIMON. Mr. Speaker, if the gentleman's conception were correct that we do not need it, then he would be correct. Unfortunately, that is not the case.

Mr. PEPPER. Mr. Speaker, I yield 3 minutes to the able gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. Mr. Speaker, I thank the gentleman for yielding this time to me, and I rise in support of the legislation.

Of course, I rise in support of any legislation that would enhance the history and the image of this great institution, the House of Representatives. But I would like to be a little practical, if I may, Mr. Speaker, because I had the opportunity and the honor of being the chairman of the Joint Senate-House Committee on Bicentennial Arrangements for the Congress in the bicentennial year of the Declaration of Independence.

I would like to remind the Members of this House that, unlike the celebrations coming up, the celebration of 200 years of the Constitution and then 2 years later that of the formation of the Congress, the formation of the Continental Congress in 1774 preceded the Declaration of Independence year by 2 years.

We in this House had the good fortune of having the Woodrow Wilson Center suggest to the Speaker that we conduct a celebration of the 200th anniversary of the Continental Congress. That celebration allowed us as the Congress to enjoy a 2-year lead on our participation in the bicentennial celebration of the Declaration of Independence. It was a very, very important lead that we needed for the proper kind of participation in the national celebration of the bicentennial of the Declaration of Independence.

Also, Mr. Speaker, serving on the joint committee were those Members of the House and those Members of the Senate who were involved in the leadership of the American Revolutionary Bicentennial Administration. Our liaison with the administration board was extremely valuable to our own participation and through us, to the participation of other Americans in our congressional bicentennial celebration of the Declaration of Independence.

I think it is most important and it is entirely practical that we set up an office now with an historian at its head under the direction of the Speaker of the House so that it can prepare not only for the 1989 celebration of the 200th anniversary of the Congress but also so that it can be helpful in preparation for the celebration of the bicentennial of the Constitution. One will help the other, and without an historian and the office of an historian to put us on a very fine, solid track to enable us to assemble the materials and to bring forth the proper documents at the proper time, we will not be able to participate in the fashion that will honor this House and the memory of the contributions of its Members.

The SPEAKER pro tempore. The time of the gentlewoman from Louisiana (Mrs. BOGGS) has expired.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, the House very wisely defeated this bill some time back, and the House would do itself, and the taxpayers, and its own traditions a great favor if it would do so again.

The prime reason that has been suggested that we hire this person is that the other body has one. We are behind. Just think of that. The Senate has something that we do not have.

It is true that they probably require extra help to study abnormal psychology. If they need one, bless them, let them have one. But that is no reason we should reproduce their sins over here at the expense of the taxpayer.

I myself believe that this might do some little bit of good in relieving unemployment among historians. It would pick up one, two, three, four, or five, because as the Members will note, the bill is open-ended. There is no restriction on how many people the Speaker can put in this office.

We are also told that this person is going to do some analysis, that he is going to organize some records, that he is going to build our image, and that he is going to explain the flag to somebody.

My guess is that most Members have hired flacks on their staffs, and if the flacks cannot build their image, I doubt that an historian can.

If the flag has not been well enough explained by now, I doubt that our new historian can explain it to us.

We have been told that this does not cost anything. On the contrary, the office is to be financed out of the contingency fund. I will bet that a lot of the Members do not know where the contingency fund gets its extra money. It comes from you. When you do not spend all of your expense allowances here, you put out your press release and say you have returned $40,000, or some other amount, to the Treasury because of your great frugality. Too bad—the money does not go into the Treasury. It goes into the contingency fund and the Speaker dribbles it around wherever he wants. A new rug, a new chandelier, or an office for the historian. It is an open-ended account one which you have no control and no vote, but it is our taxpayers' money.

This version of the bill is slightly different from the one we confronted before. The difference is that it terminates in 1989 on the 200th anniversary.

But if anybody believes that this office is going to be terminated and will not be permanent, I suggest that that person stand at the foot of his fireplace with a big stocking a week from tonight, because he is going to see Santa Claus.

This resolution is one of the silliest notions that has ever been presented around here. The world is full of historians studying the U.S. Congress and the House of Representatives. I doubt that one can find a campus of a good university in this country that does not have a half-dozen. The Library of Congress is full of them. We could retain them on a temporary basis.

The Capitol Historical Society, I will bet, would be delighted to organize this kind of research and effort.

If Members think we have to authorize the Speaker to hire somebody or several somebodies, then they are being profligate with the money of the taxpayers. The resolution is, I guess, probably what we should expect at this point in the session. I really do not know what will come next. Probably a couple of dozen more unanimous-consent requests from the Interior Committee or perhaps another Christmass tree tax bill.

Let us tell the Members of this House, Mr. Speaker, that if they vote for this, they will only prove that Barnum was dead right.

Mr. QUILLEN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I feel both guilty and presumptuous following the strident remarks of my dear friend, the gentleman from Minnesota (Mr. FRENZEL) with whom I seldom disagree. But in this situation I am more in accord with the gentleman from New York who thought this a worthwhile undertaking.

My own analysis is simply that 200 years of the longest sitting democratic institution in recorded history deserves some very special treatment. This Congress is rich with experience, with anecdotes, with records, with personalities, with achievements, with failures, with wars, with peace. It seems to me that someone whose sole occupation and vocation would be directed toward managing, supervising, and administering the records of the long history of this body into some coherent form, would provide a very useful thing for future historians and, as the gentleman from New York (Mr. CONABLE) so well said, let us know whether this experiment which dare not fail has lived up to the high expectations of the Founding Fathers.

□ 1900

If you want to cut spending around this place there are many other places to look. We could cut down on some of the subcommittees around here. There are too many of them.

But it seems to me an historian to be paid for out of the Speaker's contingency funds concerning the most unique anniversary in domocratic history, the 200th anniversary of Congress is worthwhile.

Mr. LATTA. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Ohio.

Mr. LATTA. Only one question. Why do we need him 7 years before the event takes place?

Mr. HYDE. Next year is 1983 and I am not sure when the appointment will be made. But it may not be made early in the year.

But I do not know how long it will take to go through the records. I know in searching for my friend's speeches it would take me 5 years to find each one.

Mr. QUILLEN. Mr. Speaker, let me inform the gentleman from Florida (Mr. PEPPER) I have two more requests for time.

Mr. PEPPER. I would like to yield 6 minutes to the gentleman from Indiana (Mr. FITHIAN).

Mr. FITHIAN. I thank the gentleman for yielding.

It is with a bit of deja vu that I speak to this. I have practiced as a historian for 14 years at the universities and I never had a practical, pragmatic answer to students who argue the case, or parents who argue the case, when it was a required subject that there was any practical, pragmatic use for history.

It has also been said by other anti-intellectuals of their day that a democracy had to be affluent, indeed, in order to afford the luxury of a historian. I suspect my good friend from Minnesota would subscribe to that.

But there is an argument that pertains as much, it seems to me, to institutions as it does to individuals, for it has been said by others more famous than any of us that a people will not know where they are going unless they know where they have been.

Over the 8 years that I have been here, some days and some nights, as we did here about an hour ago, I wondered whether there was any real perspective within, let alone without, this body of knowing where we had been or have known or have appreciated the fact that this, the people's House, is the greatest of all institutions of all times in a democracy.

I suspect that the claim that 7 years is too long stems from a rather substantial misunderstanding of either the historical process or of the multitude of the records which must be organized and processed here. I guess an argument could be made among those who know anything about history that 7 years for that kind of a job is too little but then it is too late to get more than 7 years to get the job done.

I would argue very vigorously that indeed if anybody in this land needs some analysis and some focus that it is this body. I would submit although this is a total distraction from your purpose here, Mr. Chairman, that we in our time in this decade have seen more erosion of process, of the protection of Members of this House, the protection of their constituencies in this decade than in the preceding 200 years, for as we see the erosion and the destruction of the budget process and the destruction of the appropriations process, and the amalgamation of all of this into something called a continuing resolution, surely the thoughtful people of this House must be aware of what is going on.

If this then is even remotely true it does cause and is sufficient need to pause and step back from the day to day operations. I doubt that anyone here is going to have time to do this. But I would certainly argue that somebody ought to look at this institution.

I know there is some money involved but please, this is the people's House.

This is the greatest institution of the land.

I might say that prior to joining this institution I know, as you knew if you had studied your history, that it is always held in low esteem because of the nature of the beast. I think it is high time that this body remedy that and that we be proud to be a part of it and not only do that but be proud to see the history of it written.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. FITHIAN. I yield to the gentleman from Missouri.

Mr. EMERSON. I would like to inquire of the gentleman if he maintains that this one historian is going to give us all of the analysis we need that will restore the public image of this body.

Mr. FITHIAN. No responsible Member of the House, let alone a responsible member of my profession, would ever argue that case.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. FITHIAN. I am happy to yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I think that we need to restore the dignity of this House and the way to do that is for the people to understand better what wonderful people work here, the conduct of the people, the Members of this House. That is what is going to restore the image of the House in the minds of the people, and if they could just understand what wonderful people they are here.

But I would like to make a practical suggestion. I think we could have gotten the same thing at almost no expense to the taxpayers because I can see that this is not going to end, it is going to go on year after year after year. Because there is one in the other body we feel we have to have one here.

We cannot keep on spending the people's money like this.

Mr. FITHIAN. May I reclaim my time?

Perhaps I should not have implied at all that what you need is a flak or a press secretary for the Congress.

I think the gentleman from New York (Mr. CONABLE) made the best argument, and that is, what you need is some perspective. Surely if you take 15 minutes and look how we are trying to preserve our past by establishing records in this corner and that corner and underneath the stairwell and somewhere in the attic, and then believe that somehow or other some future energetic historian is going to be able to track his way through that maze, that is pretty presumptuous. I just want to say that the gentleman from Illinois (Mr. SIMON) is correct. I personally think this is a terribly important bill, Mr. Chairman, and I congratulate the gentleman for bringing it to the floor.

I am just utterly amazed that we can spend $1 billion on something in 15 minutes of ill-conceived time around here about something that is relatively small, but I think very significant and can consume so much time.

I yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GARCIA).

Mr. GARCIA. I would like to support this rule. I think it is important that we understand that everyone here is so different. We come from so many parts of the land, we are parts of different ethnic groups, different racial groups. I think that that is probably where our greatest strength comes from.

Not to be able to share that, not to be able to give that to the rest of the world, as well as to our own children, I think is being very small minded.

I would like to add something, and say most of you in this Chamber may not even realize that the dome that sits over the rotunda, that stands today as a symbol of freedom, was built in the State of New York. Not only that, it was built in my congressional district, the south Bronx, which is probably one of the poorest congressional districts in the country.

I guess the point I am trying to make is that there is so much history, and we waste so much money on other things like bombs and bullets, that it seems to me, that our priorities sometimes get twisted.

□ 1910

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Missouri.

Mr. EMERSON. I thank the gentleman for yielding.

I have listened to this debate with great interest. Frankly, I am confused. First of all, I do not know whether we are talking about hiring a historian or a PR man or a psychiatrist. But I think it is ridiculous to suggest that this one person that we are going to hire is going to give the world something that the Library of Congress, the Archives of the United States, and countless colleges and universities cannot otherwise give us.

I just do not think one person could be up to that monumental task.

Mr. GARCIA. I am sure if the gentleman who has just asked me to yield would just let me respond for a quick second, my answer to the gentleman is I do not know either. But I do know that with a historian there at least is the possibility of making this building and what we represent much clearer to the American public.

Mr. EMERSON. The Capitol Historical Society has been doing a monumental job for years.

Mr. QUILLEN. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Speaker, I feel that the fact that we are debating this extremely important subject at this time in this lameduck session is a sad reflection on this body. It is most unfortunate that the procedures of this body are such that we would undertake a measure that is regarded as a great event in our history and that we should undertake to debate it during a period when Members are anxious to conclude this session and to reach important decisions on longstanding work of the Congress.

I think there is a substantial confusion here as to what this bicentennial is that we are called upon to celebrate. In the committee report itself it suggests that 1989 is the bicentennial of the Constitution, and I know that the bicentennial is going to center around September 19, 1987, which is the 200th anniversary of the adoption of the Constitution in Philadelphia.

The Project 87, which is already underway by many private groups, including the American Political Science Association and others, are undertaking a comprehensive study looking toward that day. And this is confusing, it seems to me, that we would undertake a second Bicentennial Commission at this time to take precedence over the bicentennial of our Constitution.

I would commend the gentlewoman from Louisiana (Mrs. BOGGS) who was the cochairman of the successful Bicentennial in 1976, a wonderful celebration which was felt and heard throughout the country because there was broad participation at the grassroots.

But we are not talking about participation at the grassroots in our zeal to enhance the reputation of this body.

We are talking about a professional historian. I am wondering how objective this historian can be when he is employed by the Speaker and subject to the orders of the Speaker and paid for out of the contingent fund of the Speaker. Is he going to be the one who is going to enhance the reputation and the stature of the Members of the House? Well, I would not want to look to him to do it. I would much prefer to have an objective historian from the outside who could do this.

It is mentioned in the report that we are going to have someone who is going to collate the information as to where the artifacts and the papers of all the Members who have gone before are located. That is a job that can and should be done. But that is not necessarily done by a historian, a professional historian. I would regard such an individual as an archivist.

It seems to me if we are going to debate this subject, if we are going to reach a sound conclusion with regard to recording the events of historic interest insofar as this body is concerned, we should do it in a delibera-

tive way, during a regular session, not during a lameduck session.

I hope this measure will not be passed at this time.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Georgia (Mr. GINGRICH), to close debate.

But prior to that, let me say how important this resolution is.

I have heard that the Library of Congress can perform the same function and they are capable. But that is not their job.

For instance, in 1801 the second Congressman from Tennessee was a young man by the name of Claiborne. I went to the Library of Congress to ask for his speeches on the House floor. "Sorry, we don't have them," they said.

But that young man was sworn in as a Member of the House of Representatives in 1801. He was 22 years old. He had to plead his own case on the floor of the House, and no words are recorded as to what he said. But he spoke for 3½ hours.

The membership of the House voted to seat him. And he cast the deciding vote for Thomas Jefferson for President of the Unites States when that election was thrown into the House of Representatives because of a lack of a majority in the electoral vote.

Now, let me tell my colleagues, the establishment of this office is important, because 200 years from now things that need to be recorded will be long forgotten unless we act.

The SPEAKER pro tempore. The gentleman from Georgia (Mr. GINGRICH) is recognized for 4½ minutes.

Mr. PEPPER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGRICH).

The SPEAKER pro tempore. The gentleman from Georgia is recognized for 6½ minutes.

Mr. GINGRICH. Mr. Speaker, let me talk a little bit about the debate we have had on this because I think it is a very sad thing.

In the time I have served in this House, I have listened to the self contempt and the self flagellation we engage in for this institution and for ourselves. I listened to how we wonder why no one is up in the gallery, and we wonder why no one back home knows what we are doing and we wonder why the White House dominates the legislative branch.

I have listened to the way in which we play fun and games with institutional questions because we do not understand them, we have no idea what a professional historian is like, no idea what it takes to plan a bicentennial for a great nation. We really cannot grasp the notion of organizing knowledge or affecting public television over a period of 6 years, or affecting educational institutions or helping textbook publishers plan.

We have no idea of the enormous difference between the millions we dedicate every year to the White House libraries across this land, which then shapes for a generation the way in which people learn.

So that it is easy for a historian or political scientist to go to the LBJ Library, but it is terribly hard to understand the Congress of Johnson and Rayburn. It is easy to go to the new Jimmy Carter Monument, but it is hard to understand why the White House believes the way it does. And then we wonder why no one back home appreciates us.

I thought the know-nothing party had disappeared a century ago and that I listened to it earlier in this debate.

Some people have no appreciation of the power of ideas, of the difficulty of organizing learning, of the problems of creating for an entire nation a bicentennial.

Well, you can come in and laugh and joke tonight. Members can vote against this resolution. Members can save less than the cost of one junket. And the Members can go home and beat their breasts for ignorance and tell people how they stopped the development of knowledge.

If my colleagues think the organization of ideas, the organization of our history as an institution is irrelevant, if my colleagues think the people's House deserves less than the White House mess or the limousine cost for the State Department, if my colleagues think it does not matter to young historians and political scientists are going to learn early in their career it is pointless to study the institution of the House because you cannot find the papers, you cannot get the documents and you might as well go down to the White House because that is where the action is, that is what you can write about easily. If my colleagues want to come in and vote for self contempt and for ignorance, they have a chance. Walk in and vote "no."

But it takes 6 years in a free country for 230 million people to organize themselves to celebrate the most important single event for human freedom in our times—the founding of a legislative body which has protected us from tyranny for 200 years, the creation of an institution which for 50 years has been overshadowed by the White House. And if you want to vote for another half century of Presidential domination, you have a small chance to do so today. Just kill this resolution.

I authored this resolution because I am not any less cheap—maybe a little bit less cheap than one of the gentleman who spoke, but certainly not than the others.

I did not offer this resolution because I am a professional historian, because I am not. I have never published in history and I probably never shall. But I did offer this resolution because I believe in the power of ideas. I offered this resolution because I believe passionately in the importance of the people's house as the only long-term bulwark we have against tyranny.

And unless we can get that belief back into our people through the teachers, the classrooms, the public television, unless we can find a way to reorganize the organization of ideas to make it easy to study this building, then frankly, I think we are slowly and inevitably drifting toward what will some day be a Presidential dictatorship. And that is a tragedy which it may take thousands of years to recover from.

It is a small thing, a small vote. All I beg of my colleagues is bury yourself contempt for a few minutes, bury your distain for this institution, invoke less than the cost of 1 week at the LBJ Library, less than the cost of one junket, less than the cost of the White House mess, less than the cost of the State Department limousines, because you are not even increasing the aggregate budget.

□ 1920

You are simply giving the Speaker the discretion to use extra money that he will have back from your various offices to do a little thing to help America celebrate the creation of a free legislative body.

Mr. PEPPER. Mr. Speaker, the story is told that during the terrible days of the Civil War, the construction of this Capitol was underway and there were those who appealed to Abraham Lincoln to save the money being spent on the construction of this noble edifice, to those appeals Abraham Lincoln replied:

> In the construction and in the completion of this noble edifice, we propose to show the world this Nation will endure.

All we are talking about is the record of this paragon of democracy. When this Nation was begun 200 years ago, it was a straggling little group of 13 colonies stretched along the Atlantic seaboard. Today it extends 3,000 miles across the most fertile terrain in the world, 1,500 miles north and south.

The power of this Nation has never been equaled in history. The empires of Rome and of Alexander were pygmies compared to the might of America.

Right on this floor have arisen the votes, the instructions and the policy guideline that have made America the symbol of freedom and democracy for all the people of the world. Is that a stroy not worth telling?

We have undergone the turmoil of Civil War, the tragedy of internal division. We have been the victims of the

sinister attack of some of the most powerful nations on the face of the Earth. We have prevented tyrannical powers from usurping the control of Europe and perhaps a large part of the world. It was America that came to the side of the valorous Britains and turned the dastardly Hitler back to defeat, as we did another Germam imperialist in an earlier day.

Every big decision that has been characteristic of America arose from this floor. Sitting within my reach and range are the most powerful group of men and women gathered together on the face of the Earth.

Is what they have done to perpetuate democracy a story worth recording and telling?

All we are asking is one historian, aided perhaps by one assistant, under the supervision of our Speaker to go to the Library of Congress to research the historical material available. You know, the data in the Library of Congress just does not spring like Minerva from the brow of Jove into the hands of him who wants it. You have to find it. The same holds true with the National Archives. It is the records that you find in the Archives. Somebody has to put the material together.

What we are talking about is someone with experience and authority to accumulate the data, to compile the records, to search out the salient parts of our great history most worthy of remembrance and make them available to the Bicentennial Commission that we may authorize later to take and assimilate and prepare the program for the bicentennial celebration.

I am sure this House will not wish to decline to be a part of a celebration to commemorate the greatness of 200 years of this Nation's history lived in this, the Peoples' House.

So this is a small request that we are making to extol so glorious a record as we have compiled in this House.

Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore. announced that the ayes appeared to have it.

Mr. FRENZEL. Mr. Speaker, I object to the vote on 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.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 97, not voting 106, as follows:

[Roll No. 479]

YEAS—230

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Atkinson
AuCoin
Bailey (PA)
Barnard
Barnes
Bedell
Benedict
Bereuter
Bethune
Bevill
Bingham
Bliley
Boggs
Boland
Boner
Bonker
Bouquard
Bowen
Breaux
Brinkley
Brooks
Brown (CA)
Brown (OH)
Broyhill
Burton, Phillip
Byron
Campbell
Chappell
Chisholm
Clausen
Clay
Clinger
Coelho
Coleman
Conable
Conte
Conyers
Coyne, William
Daniel, Dan
Daschle
Davis
de la Garza
Dellums
DeNardis
Derrick
Dicks
Dingell
Dixon
Donnelly
Dornan
Dougherty
Dowdy
Downey
Duncan
Dwyer
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erlenborn
Evans (IA)
Evans (IN)
Fary
Fazio
Ferraro
Fiedler
Fish
Fithian
Flippo
Florio
Foglietta
Ford (MI)
Forsythe
Fountain
Fowler
Frost
Garcia
Gejdenson
Gephardt
Gibbons
Gilman
Gingrich
Ginn
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hance
Hansen (UT)
Harkin
Hatcher
Hawkins
Hightower
Howard
Hoyer
Huckaby
Hughes
Hunter
Hutto
Hyde
Jenkins
Jones (NC)
Jones (OK)
Jones (TN)
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Leach
Leath
LeBoutillier
Leland
Levitas
Livingston
Long (LA)
Lott
Lowry (WA)
Lundine
Madigan
Marriott
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McHugh
Mikulski
Miller (CA)
Mineta
Minish
Mitchell (MD)
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Morrison
Murtha
Natcher
Neal
Nowak
O'Brien
Oakar
Oberstar
Obey
Ottinger
Panetta
Patman
Patterson
Pease
Pepper
Perkins
Peyser
Pickle
Pritchard
Quillen
Rahall
Railsback
Rangel
Regula
Robinson
Rodino
Roemer
Rostenkowski
Roukema
Roybal
Russo
Sabo
Sawyer
Scheuer
Schneider
Schumer
Seiberling
Shamansky
Shannon
Simon
Skelton
Smith (IA)
Smith (NJ)
Solarz
Spence
St Germain
Stenholm
Studds
Swift
Tauke
Udall
Vander Jagt
Vento
Volkmer
Walker
Wampler
Watkins
Weaver
Weiss
White
Whitehurst
Whitley
Williams (MT)
Wilson
Wolf
Wolpe
Wright
Wyden
Wylie
Young (AK)
Young (FL)
Young (MO)
Zablocki

NAYS—97

Archer
Badham
Bailey (MO)
Bennett
Brown (CO)
Burgener
Butler
Carman
Carney
Chappie
Cheney
Coats
Collins (TX)
Corcoran
Coughlin
Courter
Craig
Crane, Daniel
Daniel, R. W.
Dannemeyer
Daub
Derwinski
Dreier
Dunn
Early
Emerson
Emery
Erdahl
Fenwick
Fields
Frenzel
Goodling
Gradison
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hartnett
Hiler
Hopkins
Hubbard
Jacobs
Jeffords
Kindness
Kogovsek
Kramer
Lagomarsino
Latta
Lewis
Loeffler
Lowery (CA)
Lujan
Lungren
Marlenee
Martin (IL)
Martin (NC)
Martin (NY)
McClory
McCollum
McDonald
McGrath
Mica
Michel
Miller (OH)
Myers
Nelligan
Parris
Pashayan
Paul
Petri
Porter
Rinaldo
Ritter
Roberts (KS)
Rogers
Sensenbrenner
Shaw
Shumway
Siljander
Skeen
Smith (NE)
Smith (OR)
Snowe
Snyder
Solomon
Stangeland
Staton
Stratton
Stump
Taylor
Thomas
Weber (MN)
Weber (OH)
Whittaker

NOT VOTING—106

Ashbrook
Aspin
Bafalis
Beard
Beilenson
Biaggi
Blanchard
Bolling
Bonior
Brodhead
Broomfield
Burton, John
Collins (IL)
Coyne, James
Crane, Philip
Crockett
D'Amours
Deckard
Dickinson
Dorgan
Dymally
Ertel
Evans (DE)
Evans (GA)
Fascell
Findley
Foley
Ford (TN)
Frank
Fuqua
Gaydos
Goldwater
Grisham
Hagedorn
Heckler
Hefner
Heftel
Hendon
Hertel
Hillis
Holland
Hollenbeck
Holt
Horton
Ireland
Jeffries
Johnston
LaFalce
Lantos
Lee
Lehman
Lent
Long (MD)
Luken
Markey
Marks
Mattox
McKinney
Mitchell (NY)
Moffett
Moore
Mottl
Murphy
Napier
Nelson
Nichols
Oxley
Price
Pursell
Ratchford
Reuss
Rhodes
Roberts (SD)
Roe
Rose
Rosenthal
Roth
Rousselot
Rudd
Santini
Savage
Schroeder
Schulze
Sharp
Shelby
Shuster
Smith (AL)
Smith (PA)
Stanton
Stark
Stokes
Synar
Tauzin
Traxler
Trible
Walgren
Washington
Waxman
Whitten
Williams (OH)
Winn
Wirth
Wortley
Yates
Yatron
Zeferetti

□ 1940

Mr. DANNEMEYER and Mr. LOWERY of California changed their votes from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PEACE CORPS ACT AMENDMENT

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2611) to amend the Peace Corps Act, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. GILMAN. I reserve the right to object, Mr. Speaker, in order to give the distinguished chairman an opportunity to explain the bill.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman for yielding.

Mr. Speaker, this bill has been passed in the other body. The bill amends the Peace Corps Act to permit the Peace Corps to increase readjustment allowances for volunteer leaders. The Congress last year approved an increase for volunteer leaders, and this provision is needed to allow similar treatment for volunteer leaders. The executive branch has no objection to this legislation. It will require no additional funds because the additional costs can be absorbed within the Peace Corps budget. This is merely rectifying an inequity.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Wisconsin for his explanation, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. WALKER. Reserving the right to object, Mr. Speaker, the gentleman makes mention that this can be covered under the expenses of the Peace Corps. Was it provided for in the authorization? Does this bill we are now taking up consist of being an authorization of new duties or new spending within the Peace Corps?

Mr. ZABLOCKI. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman.

Mr. ZABLOCKI. I thank the gentleman for yielding. As I stated earlier the action that the House took when it passed H.R. 6370 last year was to eliminate the ceiling on readjustment allowances to voluntary leaders. At the time the Peace Corps indicated that this removal could be accommodated within its budget. It will be paid for from within the funds already available.

Mr. WALKER. Further reserving the right to object, is this money that was included in the budget?

Mr. ZABLOCKI. It is included in the budget. The legislation was requested by the executive branch.

Mr. WALKER. The Budget Office has approved this, is that what the gentleman is telling me?

Mr. ZABLOCKI. There was no objection.

Mr. WALKER. I thank the gentleman. Further reserving the right to object, Mr. Speaker, I am going to continue to ask a lot of questions about a lot of these bills coming up here. We found out earlier this evening that at times the Chair—not the gentleman in the chair at the moment—the Chair can engage in short counts and a number of other things to kind of roll things through here. I do not think we want any more of that, and I am going to ask questions about these types of bills to make certain we do not roll a lot of things through here that are budget breakers.

I would suggest to Members who have that type of thing that they will not be agreed to without questioning.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield further?

Mr. WALKER. I will be glad to.

Mr. ZABLOCKI. His President has agreed to this legislation—our President.

Mr. WALKER. I thank the gentleman for that, and if it is within the budget, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2611

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6 of the Peace Corps Act is amended by striking out "not to exceed" in the first proviso and by inserting in lieu thereof "not less than".

(b) This amendment shall be effective as of December 29, 1981.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

PROVIDING FOR DISTRIBUTION WITHIN UNITED STATES OF USIA FILM "DUMAS MALONE: A JOURNEY WITH MR. JEFFERSON"

MR. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the Senate bill (S. 3073) to provide for the distribution within the United States of the U.S. Information Agency film entitled "Dumas Malone: A Journey With Mr. Jefferson," and ask for its immediate consideration in the House.

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The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the gentleman from Wisconsin?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I take this time in order to give the distinguished chairman of the Committee on Foreign Affairs an opportunity to explain the bill.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, S. 3073 is a bill, which would provide for the distribution within the United States of a film made by the U.S. Information Agency in which Mr. Dumas Malone, a historian at the University of Virginia discusses the life and times of President Jefferson.

As you know, pursuant to the U.S. Information and Educational Exchange Act of 1948, no publication of the USIA can be released within the United States unless legislation to that effect is enacted. This is a routine procedure and does not cost the Government any money, since provision in the legislation is made for reimbursement of any costs incurred by the Agency.

The U.S. Information Agency advises us that they have no objection to the film being released.

I urge the adoption of the bill.

Mr. GILMAN. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. WALKER. Mr. Speaker, reserving the right to object, did I understand the gentleman to say that there is absolutely no money involved in this bill, and that this is simply an action that will cost the Government nothing?

Mr. ZABLOCKI. Mr. Speaker, if the gentleman will yield, let me say that the gentleman is correct.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) notwithstanding the second sentence of section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461)—

(1) the Director of the United States Information Agency shall make available to the Administrator of General Services a master copy of the film entitled "Dumas Malone: A Journey with Mr. Jefferson", and

(2) the Administrator shall reimburse the Director for any expenses of the Agency in making that master copy available, shall secure any licenses or other rights required for distribution of that film within the United States, shall deposit that film in the National Archives of the United States, and shall make copies of that film available for purchase and public viewing within the United States.

(b) Any reimbursement to the Director pursuant to this section shall be credited to

the applicable appropriation of the United States Information Agency.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SPECIAL COMMITTEE ON ADVISORY OPINIONS FROM THE WORLD COURT

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 86) to establish a Special Committee on Advisory Opinions From the World Court, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. LEACH of Iowa. Mr. Speaker, reserving the right to object, I do so only to ask the gentleman from Wisconsin (Mr. ZABLOCKI) if he would explain this resolution.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I am pleased to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, House Concurrent Resolution 86, as amended, was introduced by our distinguished colleague, the Honorable JONATHAN B. BINGHAM. The resolution expresses the sense of Congress that the United States should explore the possibility of expanding the advisory opinion of the International Court of Justice.

The resolution was referred to the Subcommittee on Human Rights and International Organizations, chaired by our distinguished colleague, the Honorable DON BONKER. The subcommittee held hearings and reported the resolution favorably. The Committee on Foreign Affairs considered the resolution on December 14. During discussion of it, Congressman BONKER offered a substitute amendment to the resolved clause which would call on the President to consider the feasibility of pursuing, through our delegation to the United Nations, an expanded advisory opinion of the ICJ. The amendment was adopted by voice vote and the resolution was then favorably reported.

Mr. Speaker, over the years, the U.S. Government has studied ways to strengthen mechanisms for peaceful settlement of international disputes. This resolution would help accomplish this. I urge its adoption.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I am delighted to yield to the gentleman from Washington.

Mr. BONKER. Mr. Speaker, House Concurrent Resolution 86, introduced by our distinguished colleague, Mr. BINGHAM, expresses the sense of the Congress that the United States should take the initiative to expand the advisory opinion jurisdiction of the International Court of Justice through the creation of a special U.N. committee which would seek advisory opinions from the ICJ, upon request by designated national courts.

On December 14, 1982, the Foreign Affairs Committee adopted House Concurrent Resolution 86 with an amendment which I will offer at the appropriate time. The amendment retains the resolution's objective of seeking to expand the ICJ's advisory opinion jurisdiction, but provides the executive branch the flexibility it seeks in exploring ways to increase use of the Court. The amendment's two essential features are:

First, it expresses the sense of the Congress that increased utilization of the ICJ should be encouraged; and

Second, it urges the President to consider the feasibility of pursuing, through the United Nations, such an expanded advisory opinion jurisdiction for the ICJ.

Unlike House Concurrent Resolution 86, the amendment does not direct the U.S. Ambassador to the United Nations to introduce a resolution in the United Nations that would establish a special U.N. committee on advisory opinions. It simply urges the President to consider the feasibility of pursuing this concept. The amendment, which Mr. BINGHAM supports, represents a reasonable balance between the goals of House Concurrent Resolution 86 and the concerns that the executive branch and others raised during the Subcommittee on Human Rights and International Organizations' consideration of the resolution. I would only add that the American Bar Association supports this proposal.

Mr. Speaker, House Concurrent Resolution 86 would serve a useful purpose in placing the Congress on record in favor of greater use of the ICJ. It would benefit our judicial system and promote the orderly development of international law. I would like to commend my colleague, Mr. BINGHAM, for taking this important initiative, and would urge the House to adopt House Concurrent Resolution 86.

BACKGROUND

Since its establishment in 1945, the International Court of Justice has been the subject of numerous congressional hearings. Most recently, the House Foreign Affairs Subcommittee on Human Rights and International Organizations in 1979 and 1981 explored ways to strengthen and to increase utilization of the ICJ. House Concurrent Resolution 86 would contribute to strengthening and increasing utilization of the Court through an expansion of the ICJ advisory opinion jurisdiction to include questions of international law referred by designated national courts.

The Department of State has generally been supportive of efforts to enhance the use of the Court. A 1976 study by the Legal Adviser's Office of the State Department observed that:

> The Department of State . . . favors expanding the jurisdictional capacity of the Court . . . by introducing an element of flexibility through a procedure which may be denominated as the preliminary opinion procedure.

The study also noted:

> In the view of the Department of State, the most desirable step which the United States could take at this juncture in this sphere . . . is officially to announce in an appropriate forum that it favors, in principle, amendment of the Statute of the International Court of Justice and the United Nations Charter to incorporate an advisory "preliminary opinion" recourse from national appellate courts to the ICJ on issues of international law.

During the past 2 years, the American Bar Association's International Law Section examined ways to expand the ICJ's advisory opinion jurisdiction. The international law section reported in January 1982 that expanding the Court's advisory opinion jurisdiction would not necessarily entail amendment of the U.N. Charter and ICJ Statute, as suggested in the 1976 State Department study. Rather, the international law section believes that this could be accomplished through the establishment of a special U.N. committee to request advisory opinions on behalf of duly authorized national courts, as envisioned in House Concurrent Resolution 86. This would require the U.N. General Assembly to adopt a resolution creating a special committee. The special committee would review requests from national courts and refer them to the Court on behalf of the General Assembly.

Following its 2-year study, the international law section in January of this year unanimously endorsed the concept of expanding the ICJ's advisory opinion jurisdiction. The study found that—

> based on the extensive review it has made of this proposal, the Section of International Law is convinced that the concept is both valuable and viable. In particular, it believes that the proposal, if implemented, could be expected to promote a central purpose of

the ICJ of unifying the interpretation and application of international law . . . the proposal would promote the objective of having international law assume an even greater role in the ordering of public affairs and would indicate the willingness of the U.S. to assume a leading role in accomplishing this objective . . .

The January 1982 meeting of the American Bar Association's House of Delegates adopted, upon recommendation of the international law section, the following resolution:

The American Bar Association urges approval by the United States of expansion of the advisory opinion jurisdiction of the International Court of Justice to include questions of international law referred by national courts.

As envisioned in the international law section's report, the expansion of the ICJ's advisory opinion jurisdiction would:

First, be limited to issues relating to bilateral and multilateral treaties;

Second, require a Federal statute to determine which Federal courts would be authorized to refer an international law question to the ICJ for an advisory opinion, with State legislatures having the option of adopting the procedure for use by their courts;

Third, provide for acceptance of referrals for advisory opinions only with the agreement of all parties to the litigation;

Fourth, minimize the litigants' time and expense in seeking advisory opinions by encouraging the Court to use special chambers or panels of judges that would sit in the country from which the request originated;

Fifth, require a U.S. court to inform the Departments of State and Justice of a contemplated referral to the ICJ so that they would have the opportunity to make a submission to the U.S. court prior to the referral being made. The Departments of State and Justice would, of course, retain the discretion to present amicus curiae submissions to the ICJ on behalf of the United States when a case is referred; and

Sixth, be accomplished through the creation of a special U.N. committee to seek ICJ advisory opinions upon request by designated national courts. The special committee would be modeled after the U.N. Committee on Applications for Review of Administrative Tribunal Judgments, created by the U.N. General Assembly in 1955 to review and to request ICJ advisory opinions on behalf of the U.N. Administrative Tribunal (which handles disputes between the U.N. and members of its staff). The ICJ and the U.S. Government have recognized the authority and utility of that special committee.

COMMITTEE ACTION

House Concurrent Resolution 86 was introduced on March 4, 1981, and was referred to the Committee on Foreign Affairs. The committee referred the resolution to the Subcommittee on Human Rights and International Organizations. The committee requested and received reports on House Concurrent Resolution 86 from the Departments of State and Justice.

The Subcommittee on Human Rights and International Organizations held a hearing on House Concurrent Resolution 86 on September 24, 1981. Testifying at the hearing were Representative BINGHAM and witnesses from the Department of State and the American Bar Association's International Law Section. The subcommittee met in open session on December 1, 1982, to consider House Concurrent Resolution 86. The subcommittee by voice vote agreed to an amendment to the resolution and then agreed to report the resolution, as amended, to the full Foreign Affairs Committee. The Foreign Affairs Committee, meeting in open session on December 14, 1982, considered House Concurrent Resolution 86. By voice vote the committee agreed to the subcommittee's amendment and then adopted the resolution, as amended.

At its September 1981 hearing, the subcommittee examined the domestic and international legal and foreign policy implications of an expansion of the ICJ's advisory opinion jurisdiction and its potential for promoting the development of international law. While there was strong support for increasing use of the Court, concerns were raised about the feasibility of pursuing the creation of a special U.N. committee, as directed in House Concurrent Resolution 86. In order to accommodate the views expressed at the hearing, the subcommittee chairman and ranking minority member prepared an amendment to House Concurrent Resolution 86. The purpose of the amendment is:

First, to express the sense of the Congress that increased utilization of the ICJ should be encouraged; and

Second, to urge the President to consider the feasibility of pursuing, through the United Nations, such an expanded advisory opinion jurisdiction for the International Court of Justice.

The amendment would have the President take into account the 1976 study by the Legal Adviser's Office of the Department of State, "Widening Access to the International Court of Justice," and would have the President explore the appropriateness of the establishment of a special committee, under U.N. auspices, authorized to seek ICJ advisory opinions on questions of international law, upon request by a national court. The amendment would also change the title of the resolution to conform with the substantive changes it contains.

The amendment reflects the central objective of House Concurrent Resolution 86 and provides the executive branch the flexibility it seeks in exploring ways to increase use of the Court, including the expansion of the ICJ's advisory opinion jurisdiction through the creation of a special U.N. committee. The amendment represents a reasonable balance between the goals of the original resolution and the views the executive branch and others have conveyed to the subcommittee.

BUDGETARY CONSIDERATIONS

The Office of Management and Budget advised the committee that from the standpoint of the administration's program, there is no objection to the resolution.

Mr. LEACH of Iowa. Mr. Speaker, I rise in support of House Concurrent Resolution 86, as amended by the House Foreign Affairs Committee, and want to take this opportunity to commend the gentleman from New York (Mr. BINGHAM) not only for his leadership on this resolution, but also for his untiring efforts in this body to promote the rule of law in the international community.

I would like to express, at the outset, my support for this resolution and for the institution of the International Court itself. The World Court represents one of the most important alternatives today to the use of armed force in resolving international disputes. Increased utilization of the Court is in our national interest and perhaps, without undue exaggeration, in the interest of global survival. But I think it important to note for the record that giving the Court a greater role in issuing advisory opinions is not an unmixed blessing. It is not at all clear that broadening access to the ICJ by national courts will significantly enhance the stature and authority of the Court.

There is no doubt that the ICJ has been greatly underutilized over the past few decades. One hears about the opinions of judges of the World Court about as frequently as one hears the calls of whooping cranes. The chief contributing factor to the problem of underutilization, however, has not been a lack of access by Western judicial systems to the ICJ for advisory opinions on the subtleties of international law. Rather, the Court has been greatly underutilized because the nations of the world refuse to take their differences to it. That is at the heart of the problem and it is not being addressed in any fundamental sense in the approach advocated in this resolution.

What is being addressed—the possibility that the ICJ will be mandated to allow the national courts of the United States and the rest of the world community to have access to advisory opinions—carries significant legal and political risks for the Court and for our country. The ICJ's advisory opinions, after all, are not legally binding. National courts may on occa-

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sion reject them. In that event, various judicial systems could be in conflict and the Court's authority potentially undermined through disregard for its judgment. On the other hand, if a case originated, for instance, in a U.S. court, and that court later rejected the advisory opinion, there would be no guarantee that other nations would not choose to recognize the interpretation of the law which the U.S. court found unacceptable.

One thus has to confront the potential political consequences for U.S. foreign policy which may arise as a result of advisory opinions issued by the World Court, regardless of whether U.S. courts accept them.

More consequentially, it is not at all unlikely that critics of American foreign policy could politicize the U.S. judicial system by bringing court cases for the primary purpose of seeking an advisory opinion contrary to Government policy. The right to seek advisory opinions could thus prove in some circumstances to be an invitation to political mischiefmaking.

It must also be assumed that if American national courts have access to the ICJ for advisory opinions, the national courts of other nations, with less responsible reputations, like those of the Soviet Union or Libya, would likewise have access to the ICJ. One can easily envision further opportunity for mischiefmaking at the international level in such cases and the ICJ becoming overburdened with frequent requests for advisory opinions on politically sensitive questions of international law, such as the Law of the Sea or the rights of OPEC. Suits brought not in an attempt to resolve disputes, but rather to embarrass one country or another could further undermine the ICJ's credibility and usefulness. The Court might soon find itself in the unfortunate position of being overutilized, overpoliticized, and in a weaker position in the event an international dispute is brought to its jurisdiction on a more traditional basis.

There are many other unanswered questions concerning the proposal. For example:

First. What procedures would be established for referring requests from national courts to the ICJ?

Second. Would such procedures require amendment of the ICJ statute or the U.N. Charter?

Third. Will requests for ICJ advisory opinions expedite or further delay proceedings before U.S. courts?

Fourth. Will such requests result in higher legal costs for litigants?

Fifth. What criteria will be established in determining which courts will have access to the ICJ and for what types of cases?

Sixth. What role should the State and Justice Departments play in this process?

Seventh. Will private parties, for the first time, have direct access to the ICJ if they are authorized to argue their cases before the World Court before it issues an advisory opinion?

Mr. Speaker, while I want to reiterate my support for the resolution before us, I do believe the proposal deserves greater scrutiny with the clear understanding that institutional safeguards may well need to be established to insure that a potentially good idea does not in effect subvert the position of the Court.

In addition, it is hard not to note that one important way of moving immediately to strengthen the Court would be for the United States to withdraw the so-called Connally reservation whereby the United States has asserted the right to refuse to recognize the ICJ's jurisdiction in any case brought against the United States in ICJ by asserting that the issue lies within our own domestic jurisdiction.

Again, Mr. Speaker, I commend the gentleman from New York for his vision in the area of international law and international institutions and want also to recognize the efforts of the chairman of the Foreign Affairs Committee, Mr. ZABLOCKI, and the chairman of the subcommittee, Mr. BONKER, for their efforts in bringing this question before the House.

I urge my colleagues to give it their support.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. WALKER. Mr. Speaker, reserving the right to object, the gentleman from Wisconsin (Mr. ZABLOCKI) tell us how much this will cost?

Mr. ZABLOCKI. Mr. Speaker, if the gentleman will yield, the resolution does not authorize any funding. As far as this gentleman knows, it will not result in any additional expenditures.

Mr. WALKER. Mr. Speaker, further reserving the right to object, how are we going to form a new commission without it costing any money?

I would be pleased to yield to the gentleman for a reply.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding.

The U.S. delegation to the United Nations, with petitions from other nations, has made a request for the United Nations to study the possibility of increasing utilization of the International Court of Justice through an expansion of the Court's advisory opinion jurisdiction to include questions of international law referred to designated courts. To the best of my knowledge it would be within the budget of the United Nations.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, is that at the present time part of the authorized activities of that delegation?

Mr. ZABLOCKI. To the best of my knowledge.

Mr. WALKER. And it is included in the budget for that purpose?

Mr. ZABLOCKI. Yes.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 86

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that the President should—

(1) direct the permanent representative of the United States to propose to the United Nations General Assembly the adoption of a resolution which establishes a special committee authorized—

(A) to seek an advisory opinion of the International Court of Justice, upon request by a national court or tribunal which is duly authorized by national legislation to make such a request, regarding any question of international law of which such court or tribunal has jurisdiction; and

(B) to establish procedures providing adequate opportunities for the presentation to the International Court of Justice the views of each party to the case before the court or tribunal requesting such advisory opinion; and

(2) after the establishment of the special committee, propose legislation to the Congress which—

(A) authorizes Federal courts to request such advisory opinions; and

(B) establishes procedures whereby any Federal court may submit such requests to the special committee; and

(C) defines the scope of acceptance by the United States of the expanded jurisdiction of the International Court of Justice.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Strike out all after the resolving clause and insert in lieu thereof the following:

That (a) the Congress finds that increased utilization of the International Court of Justice should be encouraged and that one means of increasing utilization of the Court would be to expand its advisory opinion jurisdiction to include questions of international law referred by national courts.

(b) Therefore, the President is urged to consider the feasibility of pursuing, through the United Nations, such an expanded advisory opinion jurisdiction for the International Court of Justice. In such consideration, the President—

(1) should take into account the Department of State study, prepared in 1976 by the Office of the Legal Adviser, entitled "Widening Access to the International Court of Justice", which endorsed the idea of providing a procedure through which national appellate courts could, before rendering judgment in a case, have recourse to the International Court of Justice for an advisory "preliminary opinion" on issues of international law; and

(2) should explore the appropriateness of the establishment of a special committee, under United Nations auspices, authorized to seek an advisory opinion of the International Court of Justice, upon request by a national court or tribunal which is duly authorized by national legislation to make such a request, regarding any question of international law of which such court or tribunal has jurisdiction.

Amend the title of the resolution to read as follows: "Concurrent Resolution supporting an expansion of the advisory opinion jurisdiction of the International Court of Justice.".

Mr. ZABLOCKI (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD, and that the amendment be adopted unanimously. It is noncontroversial.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. WALKER. Mr. Speaker, reserving the right to object, are we going to get the amendment explained to us?

Mr. ZABLOCKI. Mr. Speaker, I am sorry, but I did not hear the gentleman from Pennsylvania.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. WALKER) reserves the right to object to the amendment offered by the gentleman from Wisconsin.

Mr. WALKER. Mr. Speaker, I do so since the gentleman is asking that it not be read. Are we going to have this amendment explained to us?

Mr. ZABLOCKI. Yes.

Mr. WALKER. I would be pleased to yield to the gentleman so he can explain what it is we are doing.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield to the gentleman from Washington (Mr. BONKER) for an explanation?

Mr. WALKER. I am glad to yield to the gentleman from Washington.

Mr. BONKER. Mr. Speaker, the amendment is in response to concerns expressed by the administration and one of the minority members of the committee, so in effect, the amendment waters down the original resolution. The original draft provided that the Congress direct a permanent representative of the United States to propose to the U.N. General Assembly the adoption of the resolution.

What the amendment provides is that we urge the President to consider the feasibility of pursuing this matter. This, I think, meets with the earlier objections of the administration, and it was adopted by the full committee.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Washington (Mr. BONKER) and I withdraw my reservation of objection.

The SPEAKER pro tempore. Without objection, the amendment in the nature of a substitute offered by the gentleman from Wisconsin (Mr. ZABLOCKI) is agreed to

There was no objection.

The SPEAKER pro tempore. The question is on the concurrent resolution, as amended.

The concurrent resolution, as amended, was agreed to.

AMENDMENT TO THE TITLE OFFERED BY MR. ZABLOCKI

Mr. ZABLOCKI. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. ZABLOCKI: Amend the title so as to read:

Concurrent resolution supporting an expansion of the advisory opinion jurisdiction of the International Court of Justice.

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I offer unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXPRESSING THE SENSE OF CONGRESS CONCERNING AMERICANS MISSING AND UNACCOUNTED FOR IN SOUTHEAST ASIA

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of Senate concurrent resolution (S. Con. Res. 131) to express the sense of Congress concerning Americans missing and unaccounted for in Southeast Asia.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. GILMAN. Mr. Speaker, reserving the right to object, I do this in order to give the distinguished committee chairman the opportunity to explain the resolution.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I am pleased to yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, this concurrent resolution concerns the continuing efforts to account for Americans that remain missing in Southeast Asia. It draws particular attention to the recent activity respecting those still missing in Laos.

This resolution gives important and helpful acknowledgment that new and promising activity has occurred respecting American servicemen still missing in Laos. In September this year, a delegation from the National League of Families of American Prisoners and Missing in Southeast Asia traveled to Laos and Vietnam. They held particularly encouraging sessions with Lao officials who also facilitated their visit to crash sites and other areas that might offer clues regarding the fates of missing Americans. Some have regarded this helpfulness on the part of the Lao Government as a breakthrough. It is certainly the kind of humanitarian effort on their part that should be encouraged to produce further efforts.

The resolution before us should encourage such further humanitarian efforts by the Lao to locate and return the Americans who remain missing and unaccounted for in Southeast Asia.

The concurrent resolution adopted by the Senate contains amendments that make it now substantively identical to House Concurrent Resolution 425 that was amended and unanimously adopted by the Foreign Affairs Committee this week. Therefore, in essence the Senate resolution conforms to that introduced by our colleague from Pennsylvania (Mr. FOGLIETTA). Our colleague from Pennsylvania deserves particular credit for taking leadership on this effort that can help create opportunities for further progress on an important humanitarian issue.

I urge the immediate adoption of the concurrent resolution before us.

Mr. GILMAN. Mr. Speaker, I rise in support of this sense of the Congress resolution concerning Americans still listed as missing and unaccounted for in Laos. This resolution, offered by the gentleman from Pennsylvania (Mr. FOGLIETTA) is an important first step as the Congress attempts to deal with the possible changes in the relationship between our Nation and Laos.

This resolution reaffirms the congressional support necessary for a resolution of the MIA problem, particularly concerning the Americans missing in Laos. I have contended that our Nation has not concentrated enough effort on resolving the Laotian aspect of the MIA problem, and that Laos presents us with a whole new set of circumstances which must be addressed and must be dealt with. While Vietnam has not fully cooperated in the location and repatriation of remains to our Nation, the Laotian Government seems willing at this point to help, but may be unable to provide us with the kind of inormation and assistance we need. Without our help, the MIA issue might be buried over in Laos.

This resolution resulted from the dedicated gentleman's belief that the recent trip taken by MIA and POW families to Southeast Asia shed some new light on this painful issue. I concur with the gentleman that the

families, in their humanitarian actions, opened up some doors while in Southeast Asia. Surely we are still far from resolving the issue completely, but we are working slowly but surely toward the day when we will be satisfied with an accounting, and with the efforts that both our Nation, and the nations in Asia have made for the families of our missing servicemen.

This resolution recognizes that the responsibility for making this issue a viable and successful issue lies not only with our Government but the other governments involved. I am pleased that the resolution calls upon our President to move quickly and expeditiously so that we can get the truth from Laos and let our MIA's go.

Accordingly, I urge my colleagues to adopt this legislation particularly at this holiday time when the families of our MIA's and prisoners of war wait for their loved ones to come home.

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Mr. SOLARZ. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. Reserving the right to object, I yield to the gentleman from New York (Mr. SOLARZ).

Mr. SOLARZ. I thank the gentleman for yielding.

I would just like to pay tribute to the gentleman from Pennsylvania (Mr. FOGLIETTA) who introduced this resolution in the House and who was very persuasive in persuading the Foreign Affairs Committee to report it out unanimously to the full House.

There are almost 2,500 American servicemen who are still missing and unaccounted for in Indochina. I do not know whether any of them are still living, although there is some evidence to suggest that they are.

But I do know that we cannot close the book on our involvement in Indochina unless and until we can determine the final state of these men.

In September, as the chairman indicated, a delegation from the National League of Families, which is the preeminent national organization devoted to a final accounting of American servicemen who are missing and unaccounted for in Indochina, went to Laos. For the first time in the last decade the Lao Government indicated a real willingness to cooperate with us. It was their very strong feeling that the adoption of this resolution might encourage the Lao to cooperate even more in the future.

So, Mr. Speaker, I urge my colleagues to support this resolution which reaffirms the determination of this Congress to continue in its efforts to determine the fate of the 2,500 American servicemen who are still missing and unaccounted for in Indochina.

Mr. GILMAN. I thank the gentleman for his remarks.

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California, the distinguished chairman of our Task Force on the Missing in Action, Mr. DORNAN.

Mr. DORNAN of California. Mr. Speaker, after working on this issue for 17 years I plead with the membership to give this a unanimous vote and, please, a recorded vote, to send this message loud and clear to the Laos delegation at the United Nations.

Mr. GILMAN. Mr. Chairman, further reserving the right to object, I thank the distinguished chairman for his explanation of the measure.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. WALKER. Mr. Speaker, reserving the right to object, I would like to ask a question of the gentleman from Wisconsin.

Mr. FOGLIETTA. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I am glad to yield to the gentleman from Pennsylvania (Mr. FOGLIETTA).

Mr. FOGLIETTA. Mr. Speaker, it is almost 10 years since American troops came home from the war in Southeast Asia. And yet, nearly 2,500 Americans did not come home. At first, we called them missing in action. Now, after all this time, the official phrase is "missing and unaccounted for." The Defense Department uses that phrase because it does not give us any false hopes about whether these missing Americans are still alive.

But the official wording is not what is important. What is important is that almost 2,500 Americans never came home, and we do not really know where they are. What is important is that, for the most part, the governments of the Southeast Asian nations have not been cooperative in locating and returning these missing Americans. Recent actions by the Government of Laos, however, have indicated a change in at least that country's position.

Last September, a delegation of Americans from the National League of Families of American Prisoners and Missing in Southeast Asia was received by the Lao Government. These Americans were taken to the site of an American military plane crash, and allowed to search the area for any identifying information among the debris. Similarly, they searched caves in the mountains of Laos in which it is believed that American servicemen were held prisoner.

Mr. Speaker, since that visit by the National League of Families in September, talks have continued between the Government of Laos and representatives of our Government. I think it is fair to say that these discussions have been positive and somewhat fruitful.

As a response to the indicated willingness to cooperate on the part of the Lao, I introduced House Concurrent Resolution 425. This resolution is, I believe, noncontroversial. I also believe that it will make a positive contribution to the cooperation between our two Governments because I am told that the Lao are very pleased to see that we have noticed their actions.

Senator HAYAKAWA introduced an identical resolution in the Senate which was passed by that body late yesterday. Our resolution reaffirms congressional commitment to locating and returning the 2,500 missing Americans, 558 of whom are presumed to be located in Laos. It expressed our appreciation to the Lao for their willingness to cooperate, and expresses support for the actions that the President has taken in this area. The resolution also calls upon both governments to move quickly to cooperate in this humanitarian effort.

This resolution is an appropriate response to the actions of the Lao Government and is, as I pointed out, identical to the resolution which I introduced which was reported out of the House Foreign Affairs Committee. I thank the members of the Foreign Affairs Committee, most especially the distinguished chairman, the gentleman from Wisconsin, and the distinguished subcommittee chairman, the gentleman from New York, for the expeditious and favorable consideration that my resolution received, and I urge my colleagues' support of this resolution.

Thank you.

Mr. WALKER. Reserving the right to object, I assume from the nature of the resolution that there is no money involved in this resolution. Is that correct?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I can certainly assume the gentleman from Pennsylvania that there is no money involved.

Mr. WALKER. I thank the gentleman from Wisconsin, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 131

Whereas locating Americans missing and unaccounted for in Southeast Asia and their return to the United States is, and should be, of primary concern to the Government of the United States and all humane nations and peoples;

Whereas there are currently two thousand four hundred and ninety-three Americans missing and unaccounted for in South-

east Asia, five hundred and fifty-eight of whom are presumed to be located in Laos;

Whereas the Government of Laos has recently indicated, by its reception of a visiting delegation of Americans from the National League of Families of American Prisoners and Missing in Southeast Asia, that the Government of Laos would assist in the humanitarian effort to locate and return Americans missing and unaccounted for in Laos; and

Whereas the United States Government is encouraged by this recent indication of cooperation on the part of the Government of Laos: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) reaffirms its commitment to locating Americans missing and unaccounted for in Southeast Asia and returning them to the Unites States;

(2) expresses its appreciation to the Government of Laos for its expressed wilingness to cooperate in locating and returning those Americans;

(3) supports the President's actions to locate and return Americans missing and unaccounted for in Southeast Asia; and

(4) urges both governments to move, with all dispatch, to cooperate in this humanitarian effort.

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

So the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

CONDEMNING ALL FORMS OF RELIGIOUS PERSECUTION AND DISCRIMINATION AS VIOLATION OF HUMAN RIGHTS

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from the further consideration of the House concurrent resolution (H. Con. Res. 434) condemning all forms of religious persecution and discrimination as a violation of human rights and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. LEACH of Iowa. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I rise in support of House Concurrent Resolution 434, condemning religious persecution and calling on the President to take certain actions to help combat it worldwide.

I want to commend the chairman of the subcommittee, Mr. BONKER, for his hard work in organizing a lengthy series of hearings on the subject of religious persecution and discrimination which have resulted in the proposed resolution before us. His efforts have made a significant contribution to the advancement of this area of human rights, both here and abroad.

The preamble, as the Members will observe, lays out the background of international and national law in the area of religious liberty, pointing out that such freedom extends not only to the freedom of thought, belief, and conscience, but also to the freedom to manifest those beliefs in worship, observance, practice, and teaching. It is important to note as well that these rights cannot be viewed in isolation, but are, in a very practical way, interwoven with so many other civil and political human rights such as the freedom of speech and freedom of assembly.

During our hearings on the subject of religious persecution, we heard from many witnesses regarding the particular circumstances of a religious group in a particular country. There were very clear-cut examples of religious persecution, such as, for example, the execution, torture, and imprisonment of Baha'is in Iran; the harsh treatment of Jews, Pentecostals, and members of other faiths in the Soviet Union; and the absolute prohibition against religion in North Korea. There were also examples where members of religious faiths, in the daily living of their religious commitment in various societies in Asia and Latin America, were harshly treated by government authorities who preceived an implicit threat in the efforts of these religious persons to serve the needs of their fellowmen.

Because of the continued problems of religious persecution and discrimination around the world, the adoption by the United Nation last year of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief presents a new challenge to the members of the United Nations to take more seriously this special manifestation of the violation of basic human rights.

The resolution before us today does several things. First, in language similar to that presented to the subcommittee during our hearings by our distinguished colleague from Illinois, Mr. PORTER, the resolution condemns religious persecution and discrimination by governments. It also condemns such actions by other institutions, groups or individuals, consistent with the language contained in article 1 of the U.N. Declaration on this subject. It is important to point out here that the U.N. Declaration not only holds governments responsible for their own policies toward religious liberty but also holds them responsible for taking action to prevent presecution by other parties in their countries.

The resolution also calls on the President to attempt to organize and implement programs of national and international action to deal with this special human rights problem.

In particular, the Congress calls on the President to press for the creation of a new working group on the elimination of religious persecution and discrimination at the U.N. Human Rights Commission. There already exists at the U.N. Human Rights Commission a working group on disappearances after which this proposal is modeled. Last week in testimony before our subcommittee, the U.S. Representative to the last two sessions of the U.N. Human Rights Commission, Michael Novak, called the existing working group on disappearances a "real jewel of United Nations efforts." He further indicated to us that the United States "would certainly respond positively to the attempt to establish a working group on religious persecution" although the financing of any such new initiative would have to be dealt with somehow.

The resolution also calls on the President to encourage the United Nations, regional organizations—such as the OAS, for example—and other individual governments to join us in condemning religious persecution and discrimination and to adopt measures to eliminate it.

Finally, the resolution expresses the sense of the Congress that the President should give high priority to reviewing U.S. policy toward international treaties which seek to protect against persecution and discrimination on the basis of religion. As the Members will note, the resolution does not require the President to support those treaties—it simply, but in strong terms, calls on him to give high priority to reviewing those treaties. Among those pending before the Senate, and on which the Senate Foreign Relations Committee has asked the administration to comment, are the Genocide Convention and the International Convention on Civil and Political Rights.

The refusal of the United States, to date, to ratify the Genocide Convention is no minor blot on the otherwise fairly exemplary human rights record of the United States. Drafted under strong U.S. leadership, this convention has been supported by Republican and Democratic administrations since the close of World War II. It seeks to outlaw the extermination of religious, ethnic, or other groups as a result of the experience of the Nazi Holocaust. Airplane hijacking, which the international community has agreed should

be an international crime, pales by comparison. That the United States today should remain a nonparty to the Genocide Convention is a matter on the conscience of many human-rights-conscious Americans. It is my hope that the administration will press forward rigorously with its review of this treaty and will submit its recommendations to the Senate in the very near future.

I would also like to point out that the International Covenant on Civil and Political Rights provides for the right of religious belief and practice in articles 18 and 27. The United States has not yet ratified this major human rights treaty either. As in the case of the Genocide Treaty, ratification of this convention would go a long way toward strengthening the effectiveness and enforcement of international human rights law which in many cases is clearly consistent with our own Bill of Rights.

Again, I would urge the administration to give a high priority to reviewing U.S. policy on this important human rights treaty and to submit its recommendations to the Senate in the very near future.

I am convinced that the President is in a unique position, as he is in the arms control area as well, to achieve Senate advise and consent for ratification of these human rights treaties in a way no other recent administration has been able.

Mr. Speaker, I again want to express my appreciation of the efforts of the gentleman from Washington (Mr. BONKER) and to urge my colleagues to give this resolution their unanimous support.

Mr. Speaker, I would request an explanation from the chairman and the ranking member of the subcommittee of jurisdiction.

Mr. BONKER. Mr. Speaker, will the gentleman yield?

Mr. LEACH of Iowa. I yield to the gentleman from Washington.

Mr. BONKER. Mr. Speaker, House Concurrent Resolution 434 is a comprehensive resolution condemning all forms of religious persecution and discrimination as a violation of human rights. The resolution passed the Foreign Affairs Committee on December 14.

I want to thank JIM LEACH, the ranking minority member of the Subcommittee on Human Rights and International Organizations, which I chair, for his support and cooperation in putting together House Concurrent Resolution 434.

This resolution is the result of nine hearings over the past year on the subject of religious persecutions as a violation of human rights. The resolution cites numerous references to the fundamental right of religious freedom in international and national laws. It calls upon the President and other official representatives of the United States to work for the establishment of a working group on the elimination of all forms of religious persecution and discrimination at the 39th session of the U.N. Commission on Human Rights.

From all available evidence presented to the subcommittee there can be no doubt that the free exercise of religion is limited in most parts of the world. Discrimination, imprisonment, torture, and death are often the price that are paid for one's religious belief.

The subcommittee has heard dozens of expert witnesses on the problem of religious persecution around the world. They gave detailed testimony as to the fact that this persecution is not limited to any particular political system or region of the world. It occurs daily and people are made to suffer because their convictions are antithetical to government authorities.

In Iran, the Baha'i community has been singled out for extermination by the Islamic authorities solely because of its faith. Since the inception of the Baha'i faith 138 years ago in Iran, followers have been exposed to constant repression with all too frequent outbreaks of violence and bloodshed. In the early days, over 20,000 Baha'is were killed. In postrevolutionary Iran, more than a hundred Baha'is have been murdered for no other reason than teaching or practicing their religion. Fourteen members of its administrative body have disappeared. Eight members of the Baha'i National Assembly have been executed as have been six members of the local governing board of Tehran.

Baha'i shrines and cemeteries have been desecrated, administrative centers have been seized, and savings confiscated. The barbaric attacks on these gentle people continue. It appears there is a systematic effort underway to eliminate the Baha'i religion from Iran.

In Egypt, the head of the Coptic Christians is under house arrest and some of his followers have been jailed. Their religion is suppressed by Egyptian authorities and believers are harassed and discriminated against.

In Ethiopia, the Falasha Jews are relentlessly persecuted, fired from their jobs and often denied public services.

In South Africa, anti-Apartheid religious believers, both black and white, are harassed, jailed, or banned.

In the Philippines, the Muslim minority is subjected to government repression and the Catholic clergy is intimidated and jailed.

In Taiwan, South Korea, China, Tibet, and other countries, the Presbyterians and other Christians suffer harsh treatment because of their beliefs.

In the U.S.S.R. and other East European countries, both Christians and Jews are harshly persecuted because their beliefs are contrary to the teachings of Karl Marx. Most of them are denied the right to immigrate to countries where their freedom of worship would be assured. Seven Pentecostals today languish in the basement of the U.S. Embassy in Moscow facing death or imprisonment should they dare leave the compound.

In Albania and North Korea, officially atheistic states, religion of any kind is outlawed.

In many countries of Latin America, Jews, Catholic priests, nuns, and lay leaders, as well as those who work with Protestant mission groups, are tortured, jailed, or assassinated for their witness on behalf of the poor, the silenced and the suffering. Even being a Catholic in a Catholic country provides no immunity. The tragic assassination of Archbishop Romero in El Salvador and the murders of many priests and nuns throughout the region illustrates the problem all too vividly.

The list goes on. The sad truth is that few countries of the world enjoy the religious freedom that is so treasured in the United States, a freedom that is rooted deeply in the history and traditions of our country and sanctified by the Bill of Rights.

One thing is certain, religious persecution will never be checked unless someone takes the time to monitor and expose what is going on and governments are held accountable.

It is unlikely that the United States can end religious persecution but we can make the issue an integral part of our foreign policy. If America is to remain faithful to her past and the values inherent in those documents which formed this great democracy, then we must stand for religious freedom and human rights in the many countries that still abuse their citizens. Religious freedom is synonymous with the protection and promotion of human rights.

Mr. ZABLOCKI. Mr. Speaker, House Concurrent Resolution 434, condemns all forms of religious discrimination as a violation of human rights. This resolution was introduced by our colleague from the State of Washington, the Honorable DON BONKE, who chairs the Subcommittee on Human Rights and International Organizations. The subcommittee has held a series of hearings on religious persecution and discrimination during the 97th Congress. Those hearings have revealed the extent to which this internationally recognized human right has been and is being violated in various parts of the world. The committee considered the resolution on December 14, supported the aim of the resolution, but decided to delete certain preambular paragraphs. The resolution before you, House Concurrent Resolution 434 ex-

presses those changes which the committee approved.

The resolution expresses the sense of the Congress that the President organize and implement programs of national and international action to be taken with respect to governments that engage in religious persecution. It further calls on the President and other official U.S. representatives to raise at every appropriate opportunity the issue of religious intolerance when it occurs.

Mr. Speaker, this resolution is fully in accord with the sense of international human rights law on the subject and the goals of our American society. I urge the adoption of the resolution.

Mr. LEACH of Iowa. Mr. Speaker, further reserving the right to object, I do so simply to congratulate the gentleman from Illinois (Mr. PORTER), who worked very hard in pushing this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. PORTER. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I rise today in support of House Concurrent Resolution 434 offered by the distinguished chairman of the House Foreign Affairs Subcommittee on Human Rights, Mr. BONKER. This legislation deserves the support of all the Members of this House as a bipartisan, nonideological but invaluable piece of legislation. I commend the chairman and the distinguished ranking member of the subcommittee, Mr. LEACH, for their efforts on behalf of this resolution, which is the culmination of months of hearings focusing on the incidence of religious persecution throughout the world. I would also like to thank them both once again for giving me the opportunity to testify on and participate in the creation of this most urgently needed expression of the sense of the Congress.

The focus of my testimony last February was the ongoing persecution of Baha'is in Iran, Jews in Poland, and Jews and Pentecostals in the Soviet Union. Unfortunately, little has changed for these people since then. The reign of terror continues in Iran. Jews in Poland remain officially sanctioned scapegoats in the domestic news media, serving as a diversion from the ongoing struggle for democracy there. And in the Soviet Union, sadly, conditions have only changed for the worse.

Jewish emmigration has reached an alltime low, with only 168 departures in October, compared with a high of more than 4,000 a month in 1979. Experts estimate that 500,000 to 2.5 million Soviet Jews want to leave their native land. The tragic experiences of two individuals there, Anatoly Shcharansky and Joseph Begun, provide evidence more compelling than statistics of the vicious turn for the worse of official Soviet policies on religious freedom.

Anatoly Shcharansky's hunger strike continues in isolation but not in obscurity at the notorious Chistopol prison. This protest of his treatment as a Soviet prisoner of conscience unjustly incarcerated and denied his mail and visits by his family in prison, has captured worldwide attention to barbarous Soviet anti-Semitism.

When I was in the Soviet Union 3 months ago to help give hope to those repeated denied the right to emigrate from that repressive society, I visited Leonid Shcharansky, Anatoly's brother, and their mother, Ida Milgrom. They were completely cut off from contact with Anatoly and at the time did not know anything of his physical condition, or, indeed, whether he was alive or dead. Their courage and determination in the face of this unhumanity was simply incredible.

Unfortunately, Joseph Begun's treatment has received less publicity but has equally ominous implications for efforts at the revival of Hebrew language and Jewish culture in the Soviet Union. Despite his two terms of exile in Siberia for a total of 5 years, Begun began teaching Hebrew and became one of the leading protagonists in the struggle for Jewish Renaissance in the U.S.S.R. His arrest on November 7, 1982, under the charge of anti-Soviet agitation and propaganda carries an unusually harsh term of 7 years in prison and 5 years in exile. The implications of this one case alone should serve as reason enough to support this resolution. Unfortunately, there are many more examples of the prevalence of religious persecution throughout the world, many of which this resolution takes particular note.

I must, unhappily, further report that just 2 days ago, Felix Kochubievsky was sentenced to 2½ years of hard labor in Siberia. Kochubievsky was charged with "defaming the Soviet state," but the true motivation behind his conviction in this trumped-up charge was that he had become one of the most prominent teachers of Hebrew in Novosibirsk in central Russia.

This resolution will present the world with an important restatement of the American peoples' belief in and protection of religious freedom in our own country, and our continuing efforts to prevent persecution and discrimination wherever it exists. It will communicate to the administration the sense of Congress that the issue of religious persecution and bigotry as a policy or practice of national governments ought to be raised at every opportunity. And finally this resolution will make explicit to the Members of the 98th Congress the need to determine a clear, firm, and workable policy to foster religious freedom throughout the world.

Although this measure may be viewed as uncontroversial in our own country, its passage is of great importance to millions of people throughout the world who long for religious freedom, the most fundamental of all human rights. We cannot afford to be silent on this issue, to find ourselves once again on the wrong side of the international struggle to capture the immagination of the common man, for the outcome of this contest will ultimately decide the fate of our own rights to live in freedom and dignity.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. WALKER. Mr. Speaker, reserving the right to object, once again I assume from the nature of the resolution that we do not have any money involved in this one either; is that correct?

Mr. ZABLOCKI. Will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. I thank the gentleman, and I can assure the gentleman from Pennsylvania that there is no money involved.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 434

Whereas the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Final Act of the Conference on Security and Cooperation in Europe (the "Helsinki Final Act") proclaim the principles of nondiscrimination and equality before the law and the right to freedom of thought, conscience, religion, and belief;

Whereas the United Nations General Assembly on November 25, 1981, adopted the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief which proclaims the universal right to freedom of thought, conscience, and religion, including the right to manifest religion and belief in worship, observance, practice, and teaching;

Whereas freedom of religion and belief does not exist in isolation but can only be freely exercised in conjunction with other rights;

Whereas the disregard and infringement of human rights and fundamental freedoms, in particular the right to freedom of thought, conscience, religion, and belief have brought, directly or indirectly, wars and great suffering to mankind;

Whereas all member states of the United Nations have pledged themselves to take joint and separate action in cooperation with the United Nations to promote and encourage universal respect for and observ-

ance of human rights and fundamental freedoms for all, without distinction as to race, sex, language, or religion;

Whereas the freedom of religion and belief is treasured and deeply rooted in the history and tradition of our own country and sanctified by the Bill of Rights;

Whereas the constitutions of most nations of the world specifically provide for the freedom of religion and belief and extend to the citizens of those nations the right to worship freely and the right not to be persecuted or discriminated against on the basis of religion or belief; and

Whereas testimony before the Congress has established that there is continuing manifestation of all forms of religious persecution and discrimination in different parts of the world: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress, in accordance with our Nation's history and traditions of opposition to religious persecution and discrimination, as well as in full respect for international law and custom, condemns and opposes religious persecution and discrimination wherever practiced, encouraged or tolerated by national governments. The Congress also condemns persecution and discrimination by any institution, group of persons, or person on grounds of religion or other beliefs.

SEC. 2. Accordingly, it is the sense of the Congress that the President should attempt to organize and implement programs of national and international action to be taken with respect to governments engaged in religious persecution and discrimination. In particular, the President and other official representatives of the United States—

(1) should work for the establishment at the thirty-ninth session of the United Nations Commission on Human Rights of a working group on the Elimination of All Forms of Religious Persecution and Discrimination;

(2) should at every opportunity raise the issue of violations of freedom of religion and belief at any appropriate international forum; and

(3) should encourage the United Nations, regional organizations, and individual governments—

(A) to condemn all forms of religious persecution and discrimination whenever and wherever they occur; and

In addition, it is the sense of the Congress that the President should give high priority to reviewing United States policy toward international treaties which seek to protect against persecution and discrimination on the basis of religion.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SUPPORT OF CONGRESS FOR REPUBLIC OF COSTA RICA

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from the further consideration of the House concurrent resolution (H. Con. Res. 423) expressing the full support of the Congress for the Republic of Costa Rica and its democratic institutions as that country responds to the current economic crisis, and for Costa Rica's efforts to contribute to the peaceful resolution of conflicts in Central America, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. GILMAN. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 423, to express the full support of the Congress for the Republic of Costa Rica and its democratic institutions.

In a part of the world where extremism of the right and left have historically manipulated the will of people, Costa Rica with its strong democratic traditions stands out as a shining light. As perhaps nowhere else on Earth the people of Costa Rica long ago decided that democracy was the best provider and protector for their nation.

Their dedication to the needs of their people, including the economic, social, and individual liberties that has produced one of the most equitable and stable nations in the hemisphere, As President Luis Alberto Monge stated during his visit to Washington earlier this year, "in order to defend democracy, the best tool we have in this increasing struggle is an unceasing struggle against proverty, a struggle in favor of social justice, a struggle for economic growth."

Unfortunately, Costa Rica is not immune to the problems of their neighbors and the world community in general. The high cost of energy imports and reduced prices for their exports have brought serious economic difficulties at the very time that the terrorism and Marxist subversion of the region have begun to penetrate their tranquillity.

In his address to President Reagan, President Monge stated that Costa Rica "has always been a sincere ally of this great power called the United States of America, because we have always identified with the ideals and the conceptions of freedom of justice and for the good of all of the peoples throughout the Earth." He further stated that this alliance is more important today then ever in light of the "harsh realities of our present economic and social crisis and a true information as to the fact that there is indeed, as massive offensive on the part of totalitarian Marxism-Leninism in the areas of Central America and the Caribbean."

On that same occasion, President Reagan, in indicating his personal pledge of support for Costa Rica's economic recovery efforts, "Costa Rica is an old and valued friend of the United States. Its dramatic tradition has made that country a natural partner of the United States in the Caribbean and in fact the whole hemisphere."

The resolution before us, House Concurrent Resolution 423, recognizes these achievements and challenges. It further expresses the Congress full support to Costa Rica and its democratic institutions as they address their current economic crisis. Furthermore, it expresses support for their efforts in seeking a peaceful resolution of the conflicts in Central America.

As the ranking minority member of the subcommittee on Inter-American Affairs, I urge my colleagues to join with me in support of House Concurrent Resolution 423 as an indication of our continued moral and material support for the people and nation of Costa Rica and the democratic values they represent.

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, House Concurrent Resolution 423 expresses the full support of the Congress for the Republic of Costa Rica in overcoming its current economic crisis.

Costa Rica is one of the longest standing democracies and closest U.S. friends in Central America. Its tradition of democratic institutions is a glowing example to the rest of the region, as has been the history of relations between Costa Rica and the United States.

Costa Rica is currently grappling with the most serious economic problems to face any of the countries of the Caribbean Basin region. In September, the Congress provided the funding for the President's Caribbean Basin Initiative. Earlier today, the House passed the trade portion of that package. We hope that these and other efforts, together with the action and economic policies of the Costa Rican Government, will bring that country out of the current economic malaise.

Useful to this process is a message to the people of Costa Rica that the people of the United States extend their moral support and stand ready to assist them in their efforts. That is the purpose of this resolution, and I urge its support.

Mr. BARNES. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Maryland.

Mr. BARNES. Mr. Speaker, this is by far the least controversial resolution that I have ever introduced and therefore it is a pleasure to bring it to the floor. I know that I can count on the support of all of my colleagues and that this resolution will be adopted expeditiously.

The Congress has gone on record in support of Costa Rica on many different occasions. Just last August by approving the emergency economic assistance for Costa Rica contained in

the Caribbean Basin Initiative we all expressed our trust and hopes that the Costa Rican Government, with our help, will be able to maintain its democratic tradition.

The purpose of the legislation before us is to provide the Congress with another vehicle for the expression of our support. This support is more necessary now than before because Costa Rica is currently facing serious economic difficulties and is threatened by the radicalization of sides that is taking place throughout Central America.

With a foreign debt of $4 billion Costa Rica needs the support of all friendly nations. The United States through the Caribbean Basin Initiative is now providing $70 million in addition to our regular aid program. But they also need our symbolic support and that is the purpose of the legislation I have introduced.

We should all keep in mind that the Costa Ricans themselves decided in 1948 that the country did not have a need for an army and for the past 34 years they have lived in peace with neighboring countries. But since the Central American region is now threatened by the radicalization of forces on the right and the left, Costa Rica's democratic tradition might be in jeopardy.

The Costa Ricans have recognized this and are now willing to play a more active role in promoting peaceful solutions to regional problems. A few months ago the Costa Rican Government sought to establish a line of communication between the Government of El Salvador and leaders of the Salvadoran opposition. More recently the Costa Ricans have hosted a series of meetings of leaders from the region to discuss the prospect for democracy in the region.

Costa Rica is the one country in Central America that I know all of my colleagues support and admire. I trust that you will all join me today in expressing our support for that country by voting in favor of the bill before us.

I would also like to submit for the RECORD a statement on democracy made by President Monge last month and a few comments on his remarks. My comments and the statement follow.

Mr. Speaker, last month the President of Costa Rica, Luis Alberto Monge, was the guest speaker at a conference on free elections in Washington, D.C. I would like to include for the RECORD his statement on the concept of democracy and Costa Rica's democratic tradition.

President Monge argues, and I fully agree with him, that: "Democracy has no universal formulas with which to confront the economic and social problems of any given society." This is something that we should all keep in mind when we discuss the outlook for democracy in other countries. It is wrong and counterproductive to expect other countries to duplicate what we believe to be the ideal democratic system. As President Monge clearly advocates:

> These formulas are worked out with an awareness of the history of each nation and, above all, must be based on knowledge of the historical and geographic context in which such formulas will be applied.

With respect to U.S. support for democratic forces, President Monge cautions:

> In order for the solidarity and support to be effective, it must be remembered that various nations of the area have been fighting for decades against political and social oppression. They have had complete political and moral justification for this battle. Not only do they have a right to institutions that guarantee political freedom, but they must also assure themselves, simultaneously, of economic, social and cultural rights.

I trust that the administration will heed this advice that is coming from the one country in Central America that can talk about democracy based on experience.

Finally, President Monge also calls for the support of Congress for the Caribbean Basin Initiative and I would ask my colleagues to keep Mr. Monge's words in mind when the time comes to cast our votes on the CBI.

The statement follows:

SOLIDARITY IN DEFENSE OF DEMOCRACY

(By Luis Alberto Monge, President of Costa Rica)

I have the honor of speaking to you on behalf of a people who have participated directly and actively in building their own democratic institutional system. Throughout history the people have not missed a single opportunity to reiterate their willingness to fight for material and spiritual wellbeing within a framework of liberty, the rule of law, and peace.

Costa Rica, a small, sparsely populated nation, is proud of the manner in which its citizens have adopted a dynamic concept of democracy. They do not conceive of democracy as a set of rigid structures, but as a revolutionary process designed to respond to the problems of changing conditions.

We are not going to be so arrogant as to believe that our democracy is perfect. We recognize its defects and errors with humility. But it is precisely the democratic mechanisms that permit adjustments and corrections. Democratic idealism and mystique permit the constant search for perfection. Note that I have said the search for perfection. I will never say that we have achieved perfection.

Anyone who believes that perfection in democracy has been achieved, has moved away from democracy and slipped unconsciously toward the illusory dogmas and orthodoxies of totalitarian ideologies. We always seek perfection, but we prepare our spirit for the impossibility of achieving it.

When we speak of our democracy, with its virtues and defects, when we point out some of the stages in our people's search for a democratic institutional system, it is not our intent to recommend that other peoples follow precisely the same route. We do not ask them to imitate our methods or suggest that they model their institutions on our own.

Democracy has no universal formulas with which to confront the economic and social problems of any given society. These formulas are worked out with an awareness of the history of each nation and, above all, must be based on knowledge of the historical and geographical context in which such formulas will be applied.

For this reason one does not imitate, copy, or transplant in a democracy. In a democracy people create with authenticity, with originality. This is its essential difference from totalitarian philosophies such as Nazism, fascism, and communism, which expand by requiring that experiences, methods, and institutions be imitated, copied, and transplanted.

Nor is democracy imposed by force, it advances only with the conviction and support of the people. Over the past 60 years we have had painful proof of how totalitarian ideas and schemes take hold and progress by force, brutality, and terror. This is another marked difference between democracy and totalitarianism.

Democracy today neither accepts nor bows to economic, political, or other dogmas. Democracy advances and grows strong through debate, adjustment, and agreement on how to approach and resolve problems.

Costa Rica has successfully refused two false and pessimistic theories. According to one of them, democracy is a system suited only to the rich countries. Costa Rica is a poor country and it has been able to maintain an institutional democracy that receives high marks in the fields of health and education.

According to the other theory, democracy does not thrive in the tropics. We live in the tropics; we are men of the tropics; and we have been able to defend our democracy against two types of despotism—the oligarchic military despotism that for decades has oppressed our brothers of Central America and the Caribbean and the despotism represented by the Marxist-Leninist forces now mounting an aggressive expansionist offensive in our region.

This expansionist offensive of communism has caught Costa Rica by surprise and provoked the most severe economic and social crisis of its history. Our liberty and our peace are threatened as never before.

In the past, although we were the object of the hostility of oligarchic, militaristic cliques which misgoverned neighboring countries, no Costa Rican political party dared ally itself with these regressive cliques. Today things have changed for the worse. Parties and unions of Communist persuasion act within the country as a "fifth column." They coordinate with their fellow travellers of the Third International; they attack and try to destabilize the constitutional government elected by the majority of the people; they boycott the efforts of the people and the government to reactivate production and surmount the crisis. In the midst of crisis, the fight against totalitarian communism is indeed more difficult.

For this reason we are urgently seeking the entire support and effective assistance of the democratic nations. We require economic and financial backing to reactivate our economy, promote production and export programs, strengthen the cooperative movement, curb inflation, contain the general economic deterioration, combat unemployment, correct dangerous social imbal-

ances, and eliminate explosive pockets of extreme poverty.

We need economic and financial support. We are not requesting military assistance. Peculiar to our history and rare in today's world is the fact that we are a democracy that unilaterally opted for disarmament and constitutionally outlawed the army as a permanent institution. But Costa Rica can still confront totalitarian ideologies successfully within a democratic framework using mechanisms that result in periodic, free, peaceful, and honest elections. Each time the people elect their governors, they vote overwhelmingly for the parties that continue to believe in liberty and democracy. The elections of February 7 of this year, by virtue of which I assumed the responsibilities of governing, took place in the midst of the deep economic and social crisis that we are experiencing. The people confirmed with their votes their willingness to live under democracy, and they confirmed their faith in democracy as a means of resolving the problems of production and waging a successful war against poverty and misery.

In Costa Rica the stable system that guarantees the people free and honest elections is the irreplaceable foundation of democracy. But it has also been a guaranty of peace. Violence, war, and guerrillas find support when the people are denied elections or when the results of elections are changed or are not respected. Violence, war, and guerrillas lose their support when the people enjoy free elections and when their vote is respected.

The principle of free and honest elections is so vital to the existence of democracy that at the meeting of the Foreign Ministers of Central America and the Caribbean, held on October 4 in San Jose, Costa Rica, on my Government's initiative, it was agreed to create an electoral development and advisory organization.

This organization will offer those governments that request it the technical assistance needed to establish, reform, and modernize their electoral systems. In addition to comparative studies, this technical organization will offer training programs for administrators of electoral processes. When requested by interested governments, its experts will conduct studies of the rules of law governing electoral procedures, the organization of electoral bodies, and the proper dissemination of electoral information, and it will make recommendations for improving the operation of the electoral system.

The Government of Costa Rica is working on the implementation of this resolution. Talks have already begun with the Inter-American Institute of Human rights, whose headquarters is in Costa Rica, in order that the electoral advisory organization may start operating soon as a specialized branch of the Institute. I hope that other countries that did not attend the San Jose Foreign Ministers' meeting will join this initiative.

There is no freedom without suffrage. And suffrage is also the means of realizing the self-determination of peoples.

And, returning to the solidarity and support of the United States and other democracies of the world, it should be made clear that in the crisis that afflicts Central America and the Caribbean, military and security factors are indeed present. But it would be an error not to be aware of the political, economic, and social factors which are at the root of the crisis. In order for the solidarity and support to be effective, it must be remembered that various nations of the area have been fighting for decades aginst political and social oppression. They have had complete political and moral justificaton for this battle. Not only do they have a right to institutions that guarantee political freedom, but they must also assure themselves, simultaneously, of economic, social and cultural rights.

The definition of democracy by President Lincoln has dramatic force today in Central America, the Caribbean, and all Latin America. How brilliant and visionary was Abraham Lincoln in his masterful definition of the concept of democracy! "Government of the people, by the people and for the people!" Costa Rica, very fortunately, has achieved "government of the people and by the people" and now is seeking to achieve "government for the people."

For this reason we advocate economic and financial support not only for Costa Rica but also for all those countries that desire "government of the people and by the people" and are prepared to fight for "government for the people."

Other sister nations have spent years of sacrifice and bloodshed in search of "government of the people and by the people." At present they are having to struggle to achieve a "government for the people." These heroic peoples, who are painfully working their way to freedom, find themselves fighting the same forces that have oppressed them throught the centuries. At the same time, they are trying to prevent their independence from being usurped by despotic communism. We must not deny our love and support to these sister nations.

We rejoiced in the announcement of President Reagan's Caribbean Basin Initiative. May we again give recognition to the political courage, generosity, and vision shown by the President of the United States in proposing and defending this plan.

We are sorry that the Caribbean Basin Initiative has not yet gained complete approval. We know that the members of the United States Congress, as the representatives of a freedom-loving people, will not deny their support to the people of Central American and the Caribbean, who are trying to win their freedom in some places and to protect it in others. As president of a freedom-loving country whose people love the people of the United States, I urge these lawmakers to approve the Caribbean Basin Initiative. Such approval would be a tribute to the ideals of democracy and the principle of solidarity among the peoples of the Americas.

We hail the initiative taken by this Conference. It is necessary to define and strengthen the areas of agreement—in thought and in action—of the men, the people, and the leaders who prefer freedom and democracy.

We have always needed to direct our efforts toward that objective. Our defeats in the struggle for democracy and the gains made by the enemies of freedom are due largely to our inability to identify the areas of agreement among us beyond the boundaries of party affiliations and social classes, beyond national borders, despite the historical and territorial differences between nations, despite our different legal and constitutional systems, and despite our philosophical and economic disagreements.

This serious inability on our part to define and strengthen our areas of agreement enables the strategists of the totalitarian groups of the left and the right to keep us divided. It paralyzes our spirit of solidarity and prevents coordination of our actions to defend our ideals.

The agents of despotism and totalitarianism have repeatedly ensnared us by narrowing our perception of our areas of agreement and broadening that of our areas of disagreement. By inciting class war within nations they bring about labor-management confrontations. Such confrontations make it difficult to reach the area of agreement which is the commitment to the freedom so avidly sought by the rich and the poor. Freedom, to be real, must be shared by all the people. It cannot be class privilege. These agents of despotism and totalitarianism present our legal, constitutional, and economic differences as insoluble problems. We forget at times that, in a democracy, our historical commitment is strongest when it flows from a consensus that has grown out of very diverse philosophies and concepts. The Nazi-Fascist movement imposed itself and subjugated people by force and terror. Now, Marxism-Leninism in intermittent strategic expansionist moves, is also invading and dominating countries by force and terror. In some areas of the world, such as Latin America and the Caribbean, Marxists-Leninists pretend to be the standard bearers of the people's struggle for economic and political liberation.

We know that the fate of people who are "liberated" by communism is very sad indeed. Marxist-Leninist parties and agents are submissive and disciplined toward the centers of power they serve, but they mount international compaigns to insult, victimize, and discredit those of us who believe in democracy and consider it a system infinitely better than communism because we are seeking areas of agreement with powerful democratic nations in our struggle for freedom.

It is not a matter of approving errors in the foreign policy of these powerful nations, but of bringing to bear more effectively in support of democracy the great force that these people, who wish to maintain their democratic programs, represent. Aggressive communist propaganda against this democratic strategy to strengthen moral and spiritual support for freedom has confused, intimidated and even frightened many leaders. We must resist this blackmail because submitting to it divides us and prevents us from successfully defending the democratic cause. We are not seeking military alliances with the large countries of the democratic world; we are not offering support to invade or dominate a neighboring country; we are not remaining silent in the face of the political and eonomic oppression that others are suffering under despots of varying ideologies; we are not supporting colonial or imperialistic policies; we are—plainly and simply—gathering the positive resources that are available to help people who are suffering oppression or who are threatened with totalitarian oppression. In the case of little Costa Rica, we are seeking all the support necessary to carry out the mandate of the people, which is also plain and simple: that we preserve their freedom and peace. Through conviction and through democratic obedience to my people, with love for Costa Rica and with dignity, we will continue to seek support among democratic nations—the powerful as well as the others—in order to encourage productivity and justice, to overcome poverty and to preserve peace and freedom. Communism will not succeed in intimidating us or in confusing us; it will not stop us or make us turn back on this path that we have taken.

If the powerful nations of the democratic world support us, our struggle will be less

difficult, but with help or without it, our historical commitment is to defend, at whatever sacrifice, freedom, peace and democracy. We will honor this commitment.

Secretary of State Shultz, Distinguished Delegates, Ladies and Gentlemen, this is simply a review of the democratic experience and ideals of a small and poor nation that does not have an army.

I cannot offer military power or economic power in the sacred struggle for liberty.

But I do offer, proudly, my people's abiding love for freedom and their courage in preferring death to the loss of liberty.

Mr. GILMAN. Mr. Speaker, I thank the gentlemen for their explanations and I withdraw my reservation of objection.

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The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin (Mr. ZABLOCKI)?

Mr. WALKER. Mr. Speaker, reserving the right to object, I understand there is no money and the chairman has made that quite clear. But the language in here, is it committing us to some spending in the future to help resolve those economic problems in any way?

Mr. ZABLOCKI. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Wisconsin.

Mr. ZABLOCKI. Mr. Speaker, the language in the concurrent resolution does not commit us to any expenditures in the future. It is merely giving moral support, commending the people of Costa Rica for their efforts in their continuing democracies.

Mr. WALKER. I suppose we can afford to commend. I thank the chairman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin (Mr. ZABLOCKI)?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 423

Whereas the Republic of Costa Rica has the most successful record of continuous democratic and constitutional government in Central America;

Whereas the Republic of Costa Rica has had a long and distinguished record of respect for human rights and commitment to social justice;

Whereas the Republic of Costa Rica has voluntarily and unilaterally renounced the maintenance of a military establishment and has based its foreign policy on respect of its neighbors and of international law and on cooperative regional development;

Whereas the current international recession and internal economic difficulties have plunged the Republic of Costa Rica into the most serious economic challenge ever faced by its democratic institutions;

Whereas the current economic situation has spawned terrorist incidents that threaten Costa Rican society and its democratic system; and

Whereas the Government of Costa Rica is actively promoting peaceful solutions to regional problems, as exemplied by its establishment of a line of communication between the Government of El Salvador and leaders of the Salvadoran opposition, and this sets a significant precedent for resolving conflicts throughout Central America: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress expresses its full support for the Republic of Costa Rica and its democratic institutions as that country responds to the current economic crisis, and for Costa Rica's efforts to contribute to the peaceful resolution of conflicts in Central America.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 423 just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

AUTHORIZING APPROPRIATIONS FOR CONSERVATION PROGRAMS ON MILITARY RESERVATIONS AND PUBLIC LANDS, 1982, 1983, 1984

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1952), authorizing appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1982, 1983, and 1984, and for other purposes, with Senate amendments to the House amendment to the Senate amendment, and concur in the Senate amendments to the House amendment to the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendments to the House amendment to the Senate amendment, as follows:

Page 1, line 8, of the House engrossed amendment, after "Service" insert "or the National Marine Fisheries Service".

Page 1, line 9, of the House engrossed amendment, after "Interior" insert "or the Secretary of Commerce".

Page 2, after line 20, of the House engrossed amendment, insert:

Sec. 8. Section 4(a) of the Coastal Barrier Resources Act (Public Law 97-348) is amended by inserting "(but excluding maps T02 and T03)" immediately after "A01 through T12" and by inserting "and the maps designated T02A and T03A, dated December 8, 1982" immediately after "and dated September 30, 1982".

Mr. JONES of North Carolina (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. SHUMWAY. Mr. Speaker, reserving the right to object, I would like to yield to the distinguished chairman to explain to the House what this bill does.

Mr. JONES of North Carolina. Mr. Speaker, the House and Senate have previously reached agreement on most parts of this bill, including reauthorization of the Sikes Act for 3 years, extension of time for the Fish and Wildlife Service to complete a study on the financing of nongame fish and wildlife programs, and clarification of authority of the Fish and Wildlife Service to carry out certain procedures as part of the sting-type undercover investigations of violations of wildlife protection laws.

This House has considered H.R. 1952 twice during this Congress. On September 21, 1981 we first passed the bill under suspension of the rules. On September 30, 1982, the House agreed to several Senate amendments and agreed to Senate amendment No. 4 with an amendment.

The basic purpose of H.R. 1952, as amended, is to reauthorize the Sikes Act for 3 years. The Sikes Act authorizes the Departments of Defense, Agriculture, and Interior to carry out conservation and public outdoor recreation programs on military reservations and other public lands. The bill as amended continues existing levels of authorizations: $1.5 million annually to the Defense Department and $3 million annually to the Interior Department under title I; and $10 million annually for Interior and $12 million annually for the Agriculture Department under title II. The House passed "such sums as necessary." The Senate added these specific figures. The House concurred with these authorizations on September 30.

The bill also amends section 12 of the Fish and Wildlife Conservation Act of 1980 to extend until December 31, 1984 the completion date for the Fish and Wildlife Service's study of ways to finance a nongame fish and wildlife conservation program other than through general appropriations.

The bill also clarifies the authority of the Fish and Wildlife Service to carry out certain procedures as part of sting-type undercover investigations of violations of wildlife protection laws.

There still remains a single Senate amendment in which I seek House concurrence.

The amendment alters two of the maps designating components of the underdeveloped coastal barrier system as included in Public Law 97-348, the Coastal Barriers Resources Act.

When the House, on October 2, 1982, considered the conference report to S. 1018, the Coastal Barrier Resources Act, the gentleman from Texas, Mr. BROOKS engaged in a floor colloquy with the gentleman from Louisiana, Mr. BREAUX. Mr. BROOKS expressed his concern that certain areas in Texas affected by the bill were in fact developed according to the Interior Department's criteria and that their inclusion in the bill was an error.

As a result, the Merchant Marine and Fisheries Committee sent two staff members to look at the areas on site. They reported that the areas are developed and that corrective action is appropriate.

The Senate amendment substitutes revised maps, High Island Unit TO2A and Bolivar Peninsular TO3A, both dated December 8, 1982, for inclusion in the coastal barriers resources system. It is a good and appropriate amendment. I know of no controversy and urge the House to concur in it.

Mr. SHUMWAY. Mr. Speaker, I appreciate the explanation by the chairman.

● Mr. BREAUX. Mr. Speaker, H.R. 1952, which would reauthorize the Sikes Act, was originally passed by the House of Representatives on September 21, 1981. As passed by the House, it reauthorized such sums as may be necessary to carry out conservation programs on military reservations and other public lands during fiscal years 1983, 1984, and 1985. It also amended the act to encourage the relevant departments to expand their efforts to protect wildlife and to make the lands involved available to the public for hunting, fishing, and other outdoor recreational experiences and clarified certain ambiguities in the act.

The Sikes Act has been in effect since 1960. It authorizes the Secretary of Defense to carry out programs of fish and wildlife conservation and rehabilitation on military reservations in accordance with cooperative plans agreed to by the Secretary of Defense, the Secretary of the Interior, and the appropriate State agency. It also directs the Secretaries of the Interior and Agriculture, in cooperation with State agencies, to plan, develop, maintain, and coordinate programs for the conservation and rehabilitation of fish and wildlife on Bureau of Land Management and Forest Service lands and on lands under the jurisdiction of the Department of Energy and the National Aeronautics and Space Administration.

On June 9, 1982, the Senate passed the legislation with a series of amendments. In these amendments, the Senate specified Sikes Act authorization levels for the various agencies to facilitate congressional oversight. They also authorized the Fish and Wildlife Service to use existing funds to undertake a study of nongame wildlife. Finally, they attached an amendment that extended the authorization for the striped bass study under the Anadromous Fish Conservation Act.

On September 30, 1982, the House accepted the Senate provisions on the Sikes Act authorization levels and the nongame study, but rejected the amendment relating to the striped bass study because it was contained in legislation previously passed by the House. We also included an amendment to clarify the authority of the Fish and Wildlife Service to carry out "sting" type undercover operations to apprehend large-scale, commercial violators of wildlife laws. Recent operations of this nature have revealed a multimillion-dollar illegal trade in wildlife products run by hardened criminals who are often involved in other illegal activities. This amendment clarifies fish and wildlife authority for: First, agents to deposit advance funds in commercial banks or other financial institutions without disclosing their identity; second, use of proceeds of undercover operations to offset necessary and reasonable expenses incurred in such operation; and third, reimbursement to current appropriations of money expended to purchase evidence which is later recovered.

This amendment in no way affects congressional control, through the appropriations process, of the amount allotted each year to undercover operations and funds recovered from such operations will continue to come back into the Treasury. It simply clarifies the authority for existing procedures which assist the agents of the Fish and Wildlife Service in carrying out these difficult and dangerous, but highly successful undercover activities.

Mr. Speaker, the Senate has just returned this legislation to us for the second time with two amendments. The first amendment would simply include the Department of Commerce enforcement agents in the provision of the bill that applies to undercover wildlife enforcement activities. National Marine Fisheries Service agents share jurisdiction of many important wildlife statutes with Fish and Wildlife Service and need the same clarification of authority to carry out their sting operations.

The second amendment relates to a colloquy that I had on the floor of the House with Congressman JACK BROOKS when the Coastal Barrier Resources Act was passed at the end of the regular session. Mr. BROOKS requested that we examine an area in Texas to see if it was properly classified as an "undeveloped barrier island" and thus ineligible for Federal funds. Pursuant to this colloquy, the Committee on Merchant Marine and Fisheries sent two staff members to the area. They discovered that parts of two areas were indeed incorrectly designated. The Senate amendment makes changes in the Barrier Island maps to correct this error.

Mr. Speaker, as you can see there is nothing earthshaking here. This bill has become a vehicle for several housekeeping amendments to allow the Federal agencies over which our committee has jurisdiction to operate more effectively. I urge my colleagues to support it.●

I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. WALKER. Mr. Speaker, reserving the right to object, on this authorization, is the authorized money within this particular bill within the budget?

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

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

Mr. JONES of North Carolina. I thank the gentleman for yielding.

This is authorization only. There is no money in the budget to my knowledge for this particular purpose.

Mr. WALKER. So that the money that we are authorizing here would be over and above the budget; is that correct?

Mr. JONES of North Carolina. I would say to the gentleman that according to counsel, what money has been spent under this has come under other authorities which is within the budget. In other words, for example, the military has been authorized from time to time through Executive order or otherwise to spend some money in conservation practices on military bases. This carries no appropriation whatsoever.

Mr. WALKER. Further reserving the right to object, there is no budget add on, no appropriations add on involved in this authorization?

Mr. JONES of North Carolina. I can answer to both questions, definitely "No."

Mr. WALKER. With regard to the coastal barriers, the gentleman from Delaware (Mr. EVANS) I think, was one of the people who was interested in that particular legislation. I do not see him on the floor right now.

Have these changes been cleared with the gentleman from Delaware (Mr. EVANS)?

Mr. JONES of North Carolina. We have cleared this with the gentleman from Delaware (Mr. EVANS), and he has no objection.

Mr. WALKER. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina (Mr. JONES)?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from North Carolina?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. JONES of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1952.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

PROVIDING FOR USE AND DISTRIBUTION OF FUNDS TO BLACKFEET, GROS VENTRE TRIBES OF INDIANS AND ASSINIBOINE TRIBE OF FORT BELKNAP INDIAN COMMUNITY

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1986) 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 a Senate amendment to the House amendments thereto, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

Page 8, strike out lines 3 to 11, of the House engrossed amendment, and insert:

(i) Persons whose applications for membership on the roll have been duly approved by the Papago Tribal Council on the date of enactment of this Act shall be paid the sum of $1,000 within 45 days after the date of certification by the Secretary of their eligibility to share in funds under this subsection.

(ii) Persons whose applications for membership on the roll have not been duly approved by the Papago Tribal Council on the date of enactment of this Act shall be paid the sum of $1,000 within ninety days after their membership has been approved by the Papago Tribal Council and their eligibility to share in funds under this subsection has been certified by the Secretary.

Mr. UDALL (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. BEREUTER. Reserving the right to object, Mr. Speaker, I do so only to ask for an explanation from the distinguished chairman of the Committee on Interior and Insular Affairs.

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

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

Mr. UDALL. I thank the gentleman for yielding.

Mr. Speaker, S. 1968 authorizes the distribution of certain funds awarded by the Court of Claims to the Blackfeet, Gros Ventre, and Assineboine Indian Tribes of Montana. These funds have already been appropriated, but must await this legislation before they can be distributed to the tribes and their members.

The House passed this bill on December 6, 1982, with certain amendments. One amendment added a new section authorizing the distribution of funds awarded to the Papago Tribe in Arizona. After House passage, the Interior Department noted certain minor defects in the Papago language and ask the Senate Committee to further amend the bill.

It is those amendments which are back to the House for concurrence. This legislation, including the Pagago amendments, is supported by all concerned, including the administration.

Mr. BEREUTER. I thank the chairman for his explanation. It matches the explanation that we have on this side of the aisle. I support it, and the minority supports this.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona (Mr. UDALL)?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Arizona?

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

PROVIDING FOR USE AND DISTRIBUTION OF CLALLAM JUDGMENT FUNDS

Mr. UDALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of the Senate bill (S. 1340), to provide for the use and distribution of Clallam judgment funds in docket numbered 134 before the Indian Claims Commission, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. BEREUTER. Mr. Speaker, reserving the right to object, I do so only to ask the chairman to explain this to the full body.

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

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

Mr. UDALL. I thank the gentleman for yielding.

Mr. Speaker, S. 1340 is a bill to provide for the use and distribution of some $385,000 in funds awarded to the Clallam Tribe of Indians of Washington by the Indian Claims Commission. The Commission issued its final order in 1976 and funds to cover the award were appropriated in 1977. This bill makes it possible for the actual distribution of the award to proceed.

The bill was introduced in the Senate by Senators GORTON and JACKSON and although there was no companion bill in the House, the members from the State of Washington's delegation with an interest in the matter are supportive of the bill.

The bill as passed by the Senate is supported by the administration with a minor amendment which is mostly technical in nature. The bill was referred to the committee during this "lameduck" session and as a result, the committee could not find the time to report the bill out. However, the bill is noncontroversial, it already passed the Senate and it is supported by the three Indian bands which constitute the Clallam Tribe. Therefore I urge passage of the bill S. 1340 as amended by the Senate.

Mr. BEREUTER. I thank the chairman for his explanation. I would reiterate the entire Washington State delegation does support this legislation. The administration supports it. The funds have already been appropriated by the Congress.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

Mr. WALKER. Mr. Speaker, reserving the right to object, I did not hear the gentleman mention in this case that the money was available within appropriated funds to pay for this. I would be glad to yield to the gentleman.

Mr. UDALL. In my statement, and I thought I made it clear, the funds had been appropriated. There is no further Federal cost. They have been held for

the tribe since 1977. This will permit the distribution of the funds.

Mr. WALKER. So there is no budget add-on or no appropriation?

Mr. UDALL. They are held in trust for the tribe.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman for Arizona (Mr. UDALL)?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the funds appropriated by the Act of May 4, 1977 (91 Stat. 61), in satisfaction of a judgment awarded in favor of the Clallam Tribe of Indians of the State of Washington in Indian Claims Commission docket numbered 134, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be divided by the Secretary of the Interior (hereinafter referred to as the "Secretary"), and in shares of one-third to each, as agreed to by the adoption of tribal resolutions cited in sections 2, 3, and 4 of this Act, among the Port Gamble Indian Community, the Lower Elwha Tribal Community, and the Jamestown Band of Clallam Indians.

SEC. 2. The share of the funds apportioned to the Port Gamble Indian Community under the first section of this Act shall be used as provided in tribal resolution numbered 79-A1, dated January 9, 1979, requiring that 80 per centum of such share be used in revenue supplement fund for community projects and the balance in an investment program.

SEC. 3. The share of the funds apportioned to the Lower Elwha Tribal Community under the first section of this Act shall be used as provided by tribal resolution numbered 8B-78, dated August 27, 1978, requiring that up to 80 per centum of such share be used in a land acquisition program that includes the payment of an outstanding loan on land purchased by the community and the balance in economic development projects for the benefit of all tribal members.

SEC. 4. The share of the funds apportioned to the Jamestown Band of Clallam Indians under the first section of this Act shall be used as provided by resolution numbered 78-1, dated October 1, 1978, requiring that up to 50 per centum of such share be used in a land acquisition program and the balance in a business development program.

SEC. 5. (a) The shares of funds apportioned under the first section of this Act shall be advanced to the respective groups within 60 days of this Act: *Provided,* That in the case of the Jamestown Band, a formal organization has been approved by the Secretary. At the time the funds are advanced, the Secretary shall account to the respective groups for all investments made and income received since May 4, 1977.

(b) Except as otherwise provided in this section, funds held and administered by the respective groups which are the subject of this Act, and income derived therefrom shall be treated in the same fashion as if held in trust by the Secretary of the Interior. *Provided,* That such funds may be invested or expended by the respective groups in accordance with their plans without requirement of prior approval by the Secretary.

(c) Upon advancement of the funds to the respective groups the Secretary shall have no further trust responsibility for the investment, supervision, administration or expenditure or expenditure of such funds, and the United States shall be exempt from any liability for such investment, supervision, administration or expenditure of such funds.

SEC. 6. None of the funds distributed under this Act shall be subject to Federal or State income taxes or be considered as income or resources in determining eligibility for or the amount of assistance under the Social Security Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill, S. 1340, just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

MODIFYING JUDICIAL DISTRICTS OF WEST VIRGINIA

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3105) to modify the judicial districts of West Virginia, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. BUTLER. Mr. Speaker, reserving the right to object, and I will not object, I will yield to the gentleman from Wisconsin so he will explain the legislation to us.

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Mr. KASTENMEIER. Mr. Speaker, if the gentleman from Virginia, a member of the committee, will yield, I will be very pleased to do that.

Mr. Speaker, the bill is sponsored by the Senator from West Virginia, Mr. ROBERT C. BYRD. It is technical. It is not controversial. The bill cleared the Senate unanimously. The bill, incidentally, in this body has been cleared with the minority. It has the support of the entire West Virginia congressional delegation and all the judges involved.

Very simply, Mr. Speaker, if the gentleman will yield further, it has two purposes. The bill transfers two counties from the southern to the northern district of West Virginia, and three counties—we are talking about judicaial districts—from the southern to the northern district of West Virginia. Conforming changes are also made in the statutory designation for places of holding court.

I might further add, the changes made by the bill are done at no cost to the taxpayer. The bill, in fact, eliminates a temporary or "swing" judgeship and evens up the assignment of judges between the two districts.

Mr. BUTLER. Will the gentleman identify the chief sponsor of the legislation in the Senate?

Mr. KASTENMEIER. Yes. The chief sponsor of the legislation is Senator BYRD of West Virginia in the other body.

Mr. BUTLER. Mr. Speaker, I guess I will not object. I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. DINGELL. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I would like to know a little more about this bill. Can the gentleman who is managing the bill tell us more about it?

Mr. KASTENMEIER. Will the gentleman from Michigan under his reservation yield?

Mr. DINGELL. I am glad to yield to the gentleman.

Mr. KASTENMEIER. There is not very much further to explain about the bill. Talking about two judicial districts in West Virginia, it transfers two counties from the southern district to the northern district and three counties from the northern district to the southern district.

Mr. DINGELL. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

AMENDING SECTION 1304(e) OF TITLE 5, UNITED STATES CODE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3103) to amend section 1304(e) of title 5, United States Code, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. COURTER. Mr. Speaker, reserving the right to object, and I shall not object, this is noncontroversial, administration-supported legislation which passed the Senate December 15 and Chairman FORD has agreed to this bill.

The legislation would authorize the President's Commission on Executive Exchange to collect participation fees from private sector firms whose executives participate in the program and to credit such fees to the Office of Per-

sonnel Management revolving fund. These fees are used for educational programs in which private sector executives participate.

Since creation of the Commission in 1969 by an Executive order by President Johnson, the fees have been deposited with the Treasury Department. The Treasury Department recently determined that the deposit fund at the Department could not be used as a source of providing earmarked expenditures on behalf of the Commission.

The pending legislation will be effective for 1 year. That will allow the education program to be continued and give the Post Office and Civil Service Committee the opportunity to review the entire exchange program next year.

The executive exchange program is an excellent program which afford top executives from private industry to participate in the day-to-day operations of the Federal Government.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. FORD) if he wants to make a further explanation.

Mr. FORD of Michigan. Mr. Speaker, this legislation would authorize the President's Commission on Executive Exchange to collect participation fees from private sector firms whose executives are in the exchange program and credit such fees to the Office of Personnel Management revolving fund. These fees then would be used primarily for educational programs in which the private sector executives participate. In the absence of this legislation, the educational programs would be severely curtailed, according to a Commission representative.

The Commission was established in 1969 by an Executive order issued by President Johnson. The purpose of the Commission is to promote communication and understanding between business and Government. Under the exchange program, executives from the private sector and the Federal Government are placed in the opposite sector for a year's work experience.

The Executive order required the development of an education program for the participating executives. To fund the educational activities of the private sector participants, the Commission has collected fees from private sector firms and deposited them in a special fund in the Department of the Treasury. Recently, however, the Treasury Department questioned the legal authority for using the special fund for educational expenses of exchange program participants—thus the need for this legislation.

The proposed legislation is effective for only 1 year. This will allow the education program to be continued and give the Congress the opportunity to thoroughly review the entire exchange program next year.

Mr. Speaker, I thank the gentleman for yielding and for explaining the bill very well.

I ask for its immediate consideration.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan (Mr. FORD)?

Mr. WALKER. Mr. Speaker, reserving the right to object, I see that we are making available money for the costs for printing without regard to section 501 and title 44, United States Code.

What is it that we are waiving there?

I would be glad to yield to the gentleman.

Mr. FORD of Michigan. Mr. Speaker, I am doing this, believe me, at the request of the White House and the Office of Management and Budget. It might surprise the gentleman that I do things for them on occasion.

They assured me it will not cost a penny.

If the gentleman wants to object to it, it will not bother me a bit.

Mr. WALKER. I thank the gentleman for his generosity. He has always been of a generous nature.

All I am trying to do is figure out what we are doing, whether it is the administration's work or whose.

Mr. FORD of Michigan. If the gentleman will yield, the gentleman from New Jersey (Mr. COURTER) knows more about it than I do.

Mr. WALKER. I am happy to yield to the gentleman from New Jersey.

Mr. COURTER. Mr. Speaker, I thank the gentleman for yielding.

This is a request of the administration. No additional cost is involved. I understand that participating corporations would rather have this done by the Office of Personnel Management under, of course, the Post Office and Civil Service Committee, because they have greater work and expertise with statistics.

Mr. WALKER. Mr. Speaker, does anybody know what title it is or what it is that this part of the United States Code is that we are waiving?

Mr. COURTER. Mr. Speaker, if the gentleman will yield to me, I do not think we are waiving any part of the Code.

Mr. WALKER. It says without regard to section 501 of title 44. That is a waiver. I am wondering what law it is that we are waiving.

Mr. COURTER. I cannot satisfy the gentleman's inquiry and, of course, he is free to object if he so chooses.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

DESIGNATING 1983 AS THE TRICENTENNIAL ANNIVERSARY YEAR OF GERMAN SETTLEMENT IN AMERICA

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate Joint Resolution (S. J. Res. 260) to designate the period commencing January 1, 1983, and ending December 31, 1983, as the "Tricentennial Anniversary Year of German Settlement in America," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. COURTER. Mr. Speaker, reserving the right to object, it is my understanding that the census that was just completed indicated that there are more Americans of German ancestry than any other ancestry, about one-quarter of the country.

I understand it is a piece of legislation that the administration would like very much to see passed.

Mr. Speaker, I am happy to yield to the gentleman from Michigan, the distinguished chairman of our committee, for further explanation.

Mr. FORD of Michigan. Mr. Speaker, I thank the gentleman. We are using actually the resolution, which should by all means be passed, as a vehicle, and the reason it must be done before the end of this session is that the President has a commitment to appoint a Presidential commission to meet with the German counterparts and plan for next year's joint events between the Germans and the Americans to celebrate 300 years of Germans living in the State of Pennsylvania—not really 300 years in Pennsylvania, but that is where they started in this country.

I am sure that there is no cost involved and that no one would like to stop this, because the President did make a commitment earlier this year to the Chancellor and somehow somebody lost track of it here. If we do not do it before the end of the year, the Germans have a commission and nobody to meet with, so I would appreciate if we could immediately do it.

We will amend the commemorative resolution as soon as it is passed by adding a 40-member commission, consisting of ten members appointed by the President pro tempore of the Senate, 10 appointed by the Speaker of the House, 19 appointed by the President, and 1 by the Chief Justice of the Supreme Court, who will serve without compensation.

The burden of administration for this commission will be borne by the USIA, whatever it is called now, and

they in turn will be reimbursed by contributions by the trust funds developed for the German-American tericentennial celebration.

Senate Joint Resolution 260, which passed the Senate October 1, would designate calendar year 1983 as the "centennial Anniversary Year of German Settlement in America.".

It was almost 300 years ago, on October 6, 1683, that the first German immigrants, a group of 13 Mennonite families, arrived at Philadelphia. These immigrants went on to found Germantown, now a part of the city of Philadelphia. Since that original group, more than 7 million German immigrants have entered the United States and have contributed to the growth and success of our great country.

Today there are more than 60 million Americans of German decent—a number about equal to the total population of the Federal Republic. According to a 1979 Census Bureau study, more Americans claim German ancestry than any other nationality.

Throughout the next year there will be a number of activities and observances to celebrate the centennial culminating in a celebration in Philadelphia next October. To coordinate these activities and to provide support to make these observances more effective and broadly visible, I will offer an amendment, at the request of the administration, to establish a temporary commission. The activities of the commission will be funded by private donations—there will be no cost to the Government. The commission will consist of not more than 40 public and private citizens appointed by the President. Ten members shall be appointed based on the recommendation of the Speaker, and 10 based on the recommendations of the President pro tempore.

Mr. COURTER. Mr. Speaker, according to a 1979 Census Bureau Study, more Americans claim German ancestry than any other nationality. The 1980 census shows that about one-fourth of our population is of German descent. Thus it is fitting that communities in all regions of the U.S. plan to commemorate the tricentennial of German immigration. Since that first group of Germans in 1683 over 7 million immigrants have entered the United States from Germany. They and their German-American descendents have contributed immeasurably to the growth and success of the United States.

I urge my colleagues to support this resolution.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. This sounds like this resolution is a model of frugality, just like the 300 years of German settlement in this country have shown the Germans to be.

Mr. COURTER. I thought that the gentleman would like to have an opportunity to say that.

Mr. WALKER. I certainly agree with the gentleman and I thank him for yielding.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan (Mr. FORD)?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 260

Whereas October 6, 1983, is the three hundredth anniversary of German settlement in America at Philadelphia, Pennsylvania;

Whereas such date marks the beginning of the immeasurable human, economic, political, social, and cultural contributions to this country by millions of German immigrants over the past three centuries;

Whereas today the United States of America and the Federal Republic of Germany continue their close friendship based on the common values of democracy, guaranteed individual liberties, tolerance of personal differences, and opposition to totalitarianism; and

Whereas it is fitting that this historic event be commemorated in such a manner as to celebrate German-American friendship and to focus on the democratic values that bind us together: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing January 1, 1983, and ending December 31, 1983, is hereby designated as the "Tricentennial Anniversary Year of German Settlement in America", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the year with appropriate ceremonies and activities.

SEC. 2. As a concrete demonstration of our commitment to the enduring United States-German relationship, and as an act of celebration to inaugurate the Tricentennial Year, we express our strong support for the President's Youth Exchange Initiative, and especially the concept of a United States-German teenage exchange sponsored by the Members of the United States Congress and the West German Bundestag, and emphasizing home stays with families.

AMENDMENT OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FORD of Michigan: Immediately after section 2, add the following new section:

SEC. 3. (a) There is hereby established a Commission to be known as the Presidential Commission for the German-American Tricentennial (hereinafter referred to as the "Commission") to plan, encourage, develop, and coordinate the commemoration of the German-American Tricentennial. In preparing its plans and carrying out its program, the Commission shall give due consideration to any related plans and programs developed by State, local, private, and foreign groups.

(b) The Commission shall be composed of not more than 40 members, appointed by the President, 10 of whom shall be appointed upon the recommendation of the Speaker of the House of Representatives, and 10 of whom shall be appointed upon the recommendation of the President pro tempore of the Senate, in consultation with the majority leader and minority leader of the Senate. One member shall be the Chief Justice of the United States or his designee. The members shall be from the public and private sectors and the President shall designate a member from the private sector as Chairman. The members of the Commission shall receive no compensation for their services as such but may be allowed necessary travel expenses, as authorized by law, to carry out Commission activities.

(c) The Commission is authorized to encourage the participation of, and receive donations of money, property and personal services from, public and private organizations and individuals to assist the Commission in carrying out its responsibilities. The Director of the United States Information Agency is authorized to provide administrative services and staff support to the Commission, as necessary, for which reimbursement shall be made from funds of the Commission under section 686 of title 31, United States Code, in such amounts as may be agreed upon by the Chairman of the Commission and the Director. The heads of other Executive agencies and departments are also authorized and requested to cooperate with and assist the Commission in fulfilling its responsibilities.

(d) The Commission shall have power to appoint and fix the compensation of such personnel as it deems advisable and to appoint such advisory committees as it deems necessary. The Commission may also procure temporary and intermittent services as authorized by section 3109(b) of title 5, United States Code. The Commission shall have authority to make contracts and grants as necessary and appropriate to carry out its program.

(e) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) All expenditures of the Commission shall be made from donated funds.

(g) A report of the Commission's activities shall be made to Congress no later than January 31, 1984, upon which date the Commission shall terminate.

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Mr. FORD of Michigan (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Michigan (Mr. FORD).

The amendment was agreed to.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

TECHNICAL AMENDMENTS TO EDUCATION CONSOLIDATION AND IMPROVEMENT ACT OF 1981

Mr. PERKINS. Mr. Speaker, I call up the bill (H.R. 7336) to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. GOODLING. Mr. Speaker, reserving the right to object, I do so in order to give the chairman an opportunity to explain this bill.

Mr. PERKINS. Mr. Speaker, the Committee on Education and Labor has asked to bring before the House at this late date a bill which will clarify the responsibilities of local school districts in two of the largest Federal education programs. This clarification is necessary to eliminate present confusion at the local level and the possibility of later well-meaning but misdirected Federal audits.

The reason we are bringing this bill to the floor so late in the year is that we could not legislate earlier due to a dispute between the Congress and the executive branch over our unanimous veto of certain education regulations for these programs. It was only after the Department of Education revised those regulations on November 19 that we could safely move ahead on making technical corrections to the affected laws without prejudicing the position of Congress in a possible lawsuit over the constitutionality of the legislative veto.

Mr. Speaker, H.R. 7336 was adopted unanimously by the Committee on Education and Labor. It amends chapter 1 (the former title I) compensatory education program and and chapter 2—the education block grant—program which were created last year by the enactment of the Omnibus Reconciliation Act.

In brief, the bill—

Repeals a provision which could have led to compensatory education funds being so dispersed as to be ineffective;

Relieves the smallest school districts of strict school targeting provisions in the compensatory education program and of biennial audits in the block grant program;

Restores to school districts the discretion they enjoyed under the title I program regarding schoolwide projects, noninstructional duties of personnel, and designating all areas as eligible when there is at least 25-percent poverty;

Clarifies the limited audit and fiscal role of the States in certifying local school districts' applications for block grant funds; and

Clarifies the submission dates and timelines for the congressional review of regulations.

Mr. Speaker, in the rush to legislate last year some confusion was created over the rules which apply in these two major Federal programs. This bill seeks to clarify these rules so that local school districts are not judged delinquent in later audits due to any confusion we ourselves may have created.

Mr. Speaker, I urge the adoption of the legislation. And I commend the ranking Republican on the Subcommittee on Elementary, Secondary and Vocational Education, Mr. GOODLING, for having taken the leadership in drafting this legislation and in persevering to achieve its enactment.

Mr. GOODLING. Mr. Speaker, further reserving the right to object, I would like to say that the reason we were prevented from bringing this package any earlier was, first of all, the lateness with which the regulations came from the Department, and then, of course, they got caught up in that legislative veto fight.

There is so much ambiguity in the education community regarding the implementation of this new act that we asked the staff on both sides of the aisle to work with all those out in the education community and also with the Senate, and we have a bipartisan agreement and, in fact, I would like to emphasize that the Senate is prepared to adopt this package of amendments without the need for a conference committee meeting, simply because we worked it out with the educational community and on a bipartisan effort, and with the Senate.

Mr. PERKINS. And one of the greatest reasons that we should adopt the amendments is to relieve the local school districts of any responsibility, when it is the fault of the Congress, as to the audits.

The gentleman raised this question and he has corrected that situation.

Mr. Speaker, I think the gentleman from Pennsylvania is to be complimented for his work on these clarifying amendments. I do not know of any objection to them.

Mr. GOODLING. Mr. Speaker, further reserving the right to object, I would yield to my colleague from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, is there any money involved in this situation?

Mr. GOODLING. No. As a matter of fact, the thing it will probably do is to save school districts an awful lot of money because I can see an awful lot of litigation if we do not clear up the ambiguity.

Mr. WALKER. Could we once and for all in these technical amendments get the phone number of the young lady at the Library of Congress that the majority leader was so worried about?

Mr. GOODLING. That was not in our part.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill as follows:

H.R. 7336

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

STATE PROGRAM DESIGN

SECTION 1. Section 555(b) of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35) (hereafter in this Act referred to as "the Act") is amended to read as follows:

"(b) PROGRAM DESIGN.—State agency programs shall be designed to serve migratory children of migratory agricultural workers or of migratory fishermen, handicapped children, and neglected and delinquent children in accordance with section 554(a)(2) and the other applicable requirements of this chapter.".

APPLICATIONS

SEC. 2. (a) Section 556(b) of the Act is amended by inserting "or" at the end of paragraph (1)(A) and by striking out "or" at the end of paragraph (1)(B) and by striking out paragraph (1)(C).

(b) Section 556 of the Act is amended by adding at the end thereof the following:

"(c) EXEMPTION FROM TARGETING.—The requirements of subsection (b)(1) shall not apply in the case of a local educational agency with a total enrollment of less than 1,500 children.".

AREAS FOR SERVICES TO PRIVATE SCHOOL CHILDREN

SEC. 3. Section 557(a) of the Act is amended by inserting "(1)," immediately after "556(b)".

APPLICATION OF NONSUPPLANTING RULE TO STATES

SEC. 4. Section 558(b) of the Act is amended—

(1) by inserting "State educational agency in operating its State level programs or" before "local educational agency" in the first sentence; and

(2) by striking out "a local educational agency shall not be required" in the second sentence and inserting in lieu thereof "neither a State educational agency nor a local educational agency shall be required".

EXCLUSIONS OF SPECIAL PROGRAM FUNDS

SEC. 5. Section 558(d) of the Act is amended by strking out "if such programs are con-

sistent with the purposes of this chapter." and inserting in lieu thereof "Including—

"(1) compensatory education for educationally deprived children (similar to programs assisted under this chapter), and

"(2) for the purpose of determining compliance with the requirements of subsection (c)—

"(A) bilingual education for children of limited English proficiency,

"(B) special education for handicapped children or children with specific learning disabilities, and

"(C) certain State phase-in programs as described in section 131(d) of the Elementary and Secondary Education Act of 1965.".

FLEXIBILITY TO CONTINUE TITLE I-TYPE EXPENDITURES

SEC. 6. Section 558 of the act is amended by adding at the end thereof the following new subsection:

"(f) LOCAL EDUCATION AGENCY DISCRETION.—A local educational agency shall have discretion to make educational decisions which are consistent with achieving the purposes of this chapter as set forth in this subsection, as follows:

"(1) Funds received under this chapter may be used for educationally deprived children who are in school which is not located in an eligible school attendance area when the proportion of children from low-income families in average daily attendance in such school is substantially equal to the proportion of such children in an eligible school attendance area of such agency.

"(2) If an eligible school attendance area or eligible school was so designated in accordance with section 556(b)(1)(A) in either of two preceding fiscal years, it may continue to be so designated for a fiscal year even though it does not qualify in accordance with section 556(b)(1)(A).

"(3) With approval of the State educational agency, eligible school attendance areas or eligible schools which have higher proportions of children from low-income families may be skipped if they are receiving, from non-Federal funds, services of the same nature and scope as would otherwise be provided under this chapter, but (A) the number of children attending private elementary and secondary schools who receive services under this chapter shall be determined without regard to non-Federal compensatory education funds which serve eligible children in public elementary and secondary schools, and (B) children attending private elementary and secondary schools who receive assistance under this chapter shall be identified in accordance with this section and without regard to skipping public school attendance or schools under this paragraph.

"(4) Educationally deprived children who begin participation in a program or project assisted under this chapter who, in the same school year, are transferred to a school attendance area or a school not receiving funds under this chapter, may continue to participate in a program or project funded under this chapter for the remainder of such year.

"(5) In the case of any eligible school in which not less than seventy-five per centum of the children attending are from low-income families, funds received under this chapter may be used for a project designed to upgrade the entire educational program in that school in the same manner as permitted under section 133(b) of the Elementary and Secondary Education Act of 1965 (but without regard to paragraph (4) of such section).

"(6) School personnel paid entirely by funds made available under this chapter may be assigned limited, rotating, supervisory duties which are assigned to similarly situated personnel who are not paid with such funds, and such duties need not be limited to classroom instruction or to the benefit of children participating in programs or projects funded under this chapter. Such duties may not exceed the same proportion of total time as is the case with similarly situated personnel at the same school site, or ten per centum of the total time, whichever is less."

PHASEOUT AND TRANSITION EXPENSES

SEC. 7. Section 562(c) of the Act is amended by adding at the end thereof the following: "Until September 30, 1983, such funds may also be used to assist in phasing out programs described in section 561(a) and in promoting an orderly transition to operations under this chapter.".

STATE ALLOTMENTS

SEC. 8. The first sentence of section 563(a) is amended by striking out "not to exceed".

AUDIT REQUIREMENT OF SMALL LEA'S

SEC. 9. Section 564(a) of the Act is amended by inserting after paragraph (7) the following new sentence: "Notwithstanding section 1745 of this Act, local educational agencies receiving less than an average $5,000 each year under this chapter shall be audited at least once each five years.".

REQUIREMENT FOR STATE APPROVAL OF LEA APPLICATIONS

SEC. 10. Section 566(a) of the Act is amended by striking out everything preceding paragraph (1) and inserting in lieu thereof the following:

"SEC. 566. (a) A local educational agency may receive its allocation of funds under this chapter for any year for which its application to the State educational agency has been approved. The State educational agency shall approve any such application if such application—".

SCHOOL LEVEL PROGRAMS

SEC. 11. Section 573(a) of the Act is amended by striking out "chapter" in the first sentence and inserting in lieu thereof "subchapter".

STATE RULEMAKING

SEC. 12. Section 591 of the Act is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this Act shall be deemed to authorize or prohibit a State educational agency from adopting rules, regulations, procedures, guidelines, criteria, or other requirements applicable to programs and projects assisted under this Act if they do not conflict with the provisions of this Act or with other applicable Federal law. The imposition of any State rule, policy, or data collection form relating to the administration and operation of programs funded by this Act (including those based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement."

WITHHOLDING OF PAYMENTS

SEC. 13. Section 592(a) of the Act is amended by striking out "on the record" in the first sentence.

JUDICIAL REVIEW

SEC. 14. Section 593(b) of the Act is amended by inserting "and a local educational agency" after "A State educational agency".

APPLICATION OF GEPA

SEC. 15. Section 596 of the Act is amended to read as follows:

"APPLICATION OF OTHER LAWS

"SEC. 596. (a) Except as otherwise specifically provided by this section, the General Education Provisions Act shall apply to the programs authorized by this subtitle.

"(b) To the extent of any inconsistency therein, the following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this subtitle with respect to the programs authorized by this subtitle:

"(1) Section 408(a)(1) of the General Education Provisions Act is superseded by section 591(a) of this subtitle.

"(2) Section 427 of such Act is superseded by section 556(b)(3) of this subtitle.

"(3) Section 430 of such Act is superseded by section 556(a) and 564(b) of this subtitle.

"(4) Section 431A of such Act is superseded by section 558(a) of this subtitle.

"(5) Section 453 of such Act is superseded by section 592 of this subtitle.

"(6) Section 455 of such Act is superseded by section 593 of this subtitle with respect to judicial review of withholding of payments.

"(c) Sections 434, 435, and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to the programs authorized by this subtitle and shall not be construed to authorize the Secretary to require any reports or take any actions not specifically authorized by this subtitle.".

CORRECTION OF TITLE I ESEA REFERENCES

SEC. 16. (a) Title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 142(a)—

(A) by striking out "subpart 3 of part A, other than sections 122, 123, and 126(d) thereof" in paragraph (3) and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsection (c)) of the Education Consolidation and Improvement Act of 1981"; and

(B) by striking out "parent advisory councils established in accordance with regulations of the Commissioner (consistent with the requirements of section 125(a))" in paragraph (4) and inserting in lieu thereof "parents and teachers of children participating in such programs and projects;"; and

(2) in sections 147 and 152(a), by striking out "subpart 3 of part A, other than sections 122, 123, 125, 126(d), and 126(e) thereof" and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsections (b) and (c)) of the Education Consolidation and Improvement Act of 1981".

(b) The amendments made by subsection (a) shall apply only with respect to funds made available under the Education Consolidation and Improvement Act of 1981.

CONFORMING AMENDMENTS

SEC. 17. (a) Section 565(a) of the Act is amended by striking out "nonpublic" and inserting in lieu thereof "private".

(b) Section 566(a)(2) of the Act is amended by striking out "private, nonprofit" and inserting in lieu thereof "private".

(c) Section 586(a)(1) of the Act is amended by striking out "nonprofit".

EFFECTIVE DATE

SEC. 18. With respect to the period beginning July 1, 1982, and ending June 30, 1983,

no recipient of funds under the Education Consolidation and Improvement Act of 1981 shall be held to have expended such funds in violation of the requirements of such Act if such funds are expended either in accordance with such Act as in effect prior to the date of enactment of this Act or in accordance with such Act as amended by this Act.

Mr. PERKINS (during the reading). Mr. Speaker, I ask unanimous consent that the bill be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky.?

There is no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute; strike out all after the enacting clause and insert:

H.R. 7336

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

STATE PROGRAM DESIGN

SECTION 1. Section 555(b) of the Education Consolidation and Improvement Act of 1981 (Public Law 97-35) (hereafter in this Act referred to as "the Act")— is amended to read as follows:

"(b) PROGRAM DESIGN.—State agency programs shall be designed to serve migratory children of migratory agricultural workers or of migratory fishermen, handicapped children, and neglected and delinquent children (as described in subparts 1, 2, and 3, respectively, of part B of title I of the Elementary and Secondary Education Act of 1965) in accordance with section 554(a)(2) and the other applicable requirements of this chapter. The Secretary shall continue to use the definition of 'currently migratory child' which was in effect on June 30, 1982, in regulations prescribed under subpart 1 of part B of title I of the Elementary and Secondary Education Act of 1965.".

APPLICATIONS

SEC. 2. (a) Section 556(b) of the Act is amended by inserting "or" at the end of paragraph (1)(A) and by striking out "or" at the end of paragraph (1)(B) and by striking out paragraph (1)(C).

(b) Section 556 of the Act is amended by adding at the end thereof the following:

"(c) EXEMPTION FROM TARGETING.—The requirements of subsection (b)(1) shall not apply in the case of a local educational agency with a total enrollment of less than 1,000 children, but this subsection shall not be construed to exempt such an agency from the requirement to serve those children who have the greatest need for special assistance.".

FLEXIBILITY TO CONTINUE TITLE I-TYPE EXPENDITURES

SEC. 3. Section 556 of the Act is further amended by adding at the end thereof the following new subsection:

"(d) LOCAL EDUCATIONAL AGENCY DISCRETION.—Notwithstanding subsection (b)(1) of this section, as local educational agency shall have discretion to make educational decisions which are consistent with achieving the purposes of this chapter as set forth in this subsection, as follows:

"(1) A local educational agency may designate any school attendance area in which at least 25 percent of the children are from low-income families as an eligible school attendance area for any fiscal year if, in each school attendance area in which projects assisted under this title were carried out in the preceding fiscal year, the aggregate amount expended in the current fiscal year under this subtitle and under a State program (which meets the requirements of section 131(c) of the Elementary and Secondary Education Act of 1965) equals or exceeds the amount expended from those sources in that area in such preceding fiscal year.

"(2) A local educational agency may, with the approval of the State educational agency, designate as eligible (and serve) school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low-income families, but this provision shall not permit the provision of services to more school attendance areas than could otherwise be served. A State educational agency shall approve such a proposal only if the State educational agency finds that the proposal will not substantially impair the delivery of compensatory education services to educationally deprived children from low-income families in project areas served by the local educational agency.

"(3) Funds received under this chapter may be used for educationally deprived children who are in a school which is not located in an eligible school attendance area when the proportion of children from low income families in average daily attendance in such school is substantially equal to the proportion of such children in an eligible school attendance area of such agency.

"(4) If an eligible school attendance area or eligible school was so designated in accordance with section 556(b)(1)(A) in either of two preceding fiscal years, it may continue to be so designated for a single additional fiscal year even though it does not qualify in accordance with section 556(b)(1)(A).

"(5) With approval of the State educational agency, eligible school attendance areas or eligible schools which have higher proportions of children from low income families may be skipped if they are receiving, from non-Federal funds, services of the same nature and scope as would otherwise be provided under this chapter, but (A) the number of children attending private elementary and secondary schools who receive services under this chapter shall be determined without regard to non-Federal compensatory education funds which serve eligible children in public elementary and secondary schools, and (B) children attending private elementary and secondary schools who receive assistance under this chapter shall be identified in accordance with this section and without regard to skipping public school attendance areas or schools under this paragraph.

"(6) A child who, in any previous year, was identified as being in greatest need of assistance, and who continues to be educationally deprived, but who is no longer identified as being in greatest need of assistance, may participate in a program or project assisted under this title for the current year.

"(7) Educationally deprived children who begin participation in a program or project assisted under this chapter who, in the same school year, are transferred to a school attendance area or a school not receiving funds under this chapter, may continue to participate in a program or project funded under this chapter for the remainder of such year.

"(8) The Secretary shall issue regulations permitting local educational agencies to skip educationally deprived children in greatest need of assistance in providing services under this subtitle if such children are receiving, from non-Federal sources, services of the same nature and scope as would otherwise be provided under this subtitle.

"(9) In the case of any school serving an attendance area that is eligible to receive services under this chapter and in which not less than 75 percent of the children are from low-income families, funds received under this chapter may be used for a project designed to upgrade the entire educational program in that school in the same manner and only to the same extent as permitted under section 133(b) of the Elementary and Secondary Education Act of 1965 (but without regard to paragraph (4) of such section).

"(10) Public school personnel paid entirely by funds made available under this chapter may be assigned limited, rotating, supervisory duties which are assigned to similarly situated personnel who are not paid with such funds, and such duties need not be limited to classroom instruction or to the benefit of children participating in programs or projects funded under this chapter. Such duties may not exceed the same proportion of total time as is the case with similarly situated personnel at the same school site, or 10 percent of the total time, whichever is less."

AREAS FOR SERVICES TO PRIVATE SCHOOL CHILDREN

SEC. 4. Section 557(a) of the Act is amended by inserting "(1)," immediately after "556(b)".

APPLICATION OF NON-SUPPLANTING RULE TO STATES

SEC. 5. Section 558(b) of the Act is amended—

(1) by inserting "State educational agency or other State agency in operating its State level programs or a" before "local educational agency" in the first sentence; and

(2) by striking out "a local educational agency shall not be required" in the second sentence and inserting in lieu thereof "no State educational agency, other State agency, or local educational agency shall be required".

EXCLUSIONS OF SPECIAL PROGRAM FUNDS

SEC. 6. Section 558(d) of the Act is amended—

(1) by striking out "if such programs are consistent with the purposes of this chapter" and inserting in lieu thereof "including compensatory education for educationally deprived children (which meets the requirements of section 131(c) of the Elementary and Secondary Education Act of 1965)"; and

(2) by addding at the end therof the following new sentence:

"For the purpose of determining compliance with the requirements of subsection (c), a local educational agency may exclude State and local funds expended for—

"(1) bilingual education for children of limited English proficiency,

"(2) special education for handicapped children or children with specific learning disabilities, and

"(3) certain State phase-in programs as described in section 131(d) of the Elementary and Secondary Education Act of 1965.".

OVERLAP IN COUNTY BOUNDARIES

SEC. 7. Section 558(e) of the Act is amended by striking out "In any State" and inserting in lieu thereof "Notwithstanding section 111(a)(3)(C) of the Elementary and Secondary Education Act of 1965, in any State".

PHASE-OUT AND TRANSITION EXPENSES

SEC. 8. Section 562(c) of the Act is amended by adding at the end thereof the following: "Until September 30, 1983, such funds may also be used to assist in phasing out programs described in section 561(a) and in promoting an orderly transition to operations under this chapter.".

STATE ALLOTMENTS

SEC. 9. The first sentence of section 563(a) is amended by striking out "not to exceed".

AUDIT REQUIREMENT OF SMALL LEA'S

SEC. 10. Section 564(a) of the Act is amended by inserting after paragraph (7) the following new sentence: "Notwithstanding section 1745 of this Act, local educational agencies receiving less than an average $5,000 each year under this chapter shall be audited at least once each five years.".

REQUIREMENT FOR STATE CERTIFICATION OF LEA APPLICATIONS

SEC. 11. Section 566(a) of the Act is amended by striking out everything preceding paragraph (1) and inserting in lieu thereof the following:

" SEC. 566. (a) A local educational agency may receive its allocation of funds under this chapter for any year for which its application to the State educational agency has been certified to meet the requirements of this subsection. The State educational agency shall certify any such application if such application—".

SCHOOL LEVEL PROGRAMS

SEC. 12. Section 573(a) of the Act is amended by striking out "chapter" in the first sentence and inserting in lieu thereof "subchapter".

STATE RULEMAKING

SEC. 13. Section 591 of the Act is amended by adding at the end thereof the following new subsection:

"(d) Nothing in this subtitle shall be interpreted (1) to authorize State regulations, issued pursuant to procedures as established by State law, applicable to local educational agency programs or projects funded under this subtitle, except as related to State audit and financial responsibilities, or (2) to encourage, preempt, or prohibit regulations issued pursuant to State law which are not in conflict with the provisions of this subtitle. The imposition of any State rule or policy relating to the administration and operation of programs funded by this subtitle (including those based on State interpretation of any Federal law, regulation, or guideline) shall be identified as a State imposed requirement.".

WITHHOLDING OF PAYMENTS

SEC. 14. Section 592(a) of the Act is amended—

(1) by striking out "on the record" in the first sentence; and

(2) by adding at the end thereof the following new sentence: "A transcript or recording shall be made of any hearing conducted under this subsection and shall be available for inspection by any person.".

JUDICIAL REVIEW

SEC. 15. Section 593(b) of the Act is amended by inserting "and a local educational agency" after "a State educational agency".

APPLICATION OF GEPA

SEC. 16. (a) Section 596 of the Act is amended to read as follows:

"APPLICATION OF OTHER LAWS

"SEC. 596. (a) Except as otherwise specifically provided by this section, the general Education Provisions Act shall apply to the programs authorized by this subtitle.

"(b) The following provisions of the General Education Provisions Act shall be superseded by the specified provisions of this subtitle with respect to the programs authorized by this subtitle:

"(1) Section 408(a)(1) of the General Education Provisions Act is superseded by section 591(a) of this subtitle.

"(2) Section 426(a) of such Act is superseded by section 591(b) of this subtitle.

"(3) Section 427 of such Act is superseded by section 556(b)(3) of this subtitle.

"(4) Section 430 of such Act is superseded by section 556(a) and 564(b) of this subtitle.

"(5) Section 431A of such Act is superseded by section 558(a) of this subtitle.

"(6) Section 453 of such Act is superseded by section 592 of this subtitle.

"(7) Section 455 of such Act is superseded by section 593 of this subtitle with respect to judicial review of withholding of payments.

"(c) Sections 434, 435, and 436 of the General Education Provisions Act, except to the extent that such sections relate to fiscal control and fund accounting procedures, shall not apply to the program authorized by this subtitle and shall not be construed to authorize the Secretary to require any reports of take any actions not specifically authorized by this subtitle.".

"(b) Section 431(b)(1) of the General Education Provisions Act is amended by adding at the end thereof the following: "Notwithstanding any other provision of law, any such regulaton published as a final regulation shall be considered as a recommendation to the Congress and shall have not force or effect until after the conclusion of the period or periods specified in subsection (d).".

(c) Section 431(d) of the General Education Provisions Act is amended—

(1) by striking out "such transmission" in the second sentence of paragraph (1) and inserting in lieu thereof "such publication";

(2) by inserting "except as provided in paragraph (4) and" after "without interruption" in the first sentence of paragraph (2);

(3) by inserting "(subject to paragraph (3))" after "end of such adjournment" each place it appears in the second and fourth sentences of paragraph (2); and

(4) by adding at the end thereof the following new paragraphs:

"(3) In the case of an adjournment sine die at the end of any Congress, only those days on which each House of the Congress is in session following the convening of the succeeding Congress shall be counted in computing the ten- and twenty-day periods (after the end of such adjournment) under paragraph (2).

"(4) For the purpose of computing any period of ten, twenty, or forty-five days under this subsection (other than in the case described in paragraph (3)), Saturdays and Sundays shall be excluded.".

(d) Section 406A of the General Education Provisions Act as added by the Education Amendments of 1974 (relating to responsibility of States to furnish information) is repealed.

CONFORMING AND TECHNICAL AMENDMENTS TO TITLE I ESEA

SEC. 17. (a) Title I of the Elementary and Secondary Education Act of 1965 is amended—

(1) in section 111(d)(2), by inserting "as a fulfillment of a continuing trust responsibility of the Federal Government as it relates to education for Indian students" immediately before the period at the end of the first sentence;

(2) in section 142(a)—

(A) by striking out "subpart 3 of part A, other than sections 122, 123, and 126(d) thereof" in paragraph (3) and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsection (c)) of the Education Consolidation and Improvement Act of 1981"; and

(B) by striking out "parent advisory councils established in accordance with regulations of the Commissioner (consistent with the requirements of section 125(a))" in paragraph (4) and inserting in lieu thereof "parents and teachers of children participating in such programs and projects"; and

(3) in sections 147 and 152(a), by striking out "subpart 3 of part A, other than sections 122, 123, 125, 126(d), and 126(e) thereof" and inserting in lieu thereof "section 556 (other than subsection (b)(1)) and section 558 (other than subsection (c)) of the Education Consolidation and Improvement Act of 1981".

(b) The amendments made by subsections (a) (2) and (3) shall apply only with respect to funds for use under the Education Consolidation and Improvement Act of 1981.

CONFORMING AMENDMENT

SEC. 18. Section 565(a) of the Act is amended by striking out "nonpublic" and inserting in lieu thereof "private, nonprofit".

IMPACT AID

SEC. 19. Section 505(a)(1) of the Omnibus Education Reconciliation Act of 1981 is amended by striking out "section 2" the second place it appears and inserting in lieu thereof "section 7".

EFFECTIVE DATE

SEC. 20. (a) Except as provided in subsection (b), the amendments made by this Act to the Education Consolidation and Improvement Act of 1981 and title I of the Elementary and Secondary Education Act of 1965 shall be effective July 1, 1983.

(b) With respect to the period beginning July 1, 1982, and ending June 30, 1983, no recipient of funds under the Education Consolidation and Improvement Act of 1981 shall be held to have expended such funds in violation of the requirements of such Act if such funds are expended either in accordance with such Act as in effect prior to the date of enactment of this Act or in accordance with such Act as amended by this Act.

Mr. PERKINS (during the reading). Mr. Speaker, I ask unamimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The committee amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the

third time, and passed, and a motion to reconsider was laid on the table.

REQUEST TO CONSIDER HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 5536, FEASIBILITY STUDIES OF WATER RESOURCE DEVELOPMENT IN CENTRAL PLATTE VALLEY, NEBR.

Mr. PHILLIP BURTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5536) to authorize the Secretary of the Interior to engage in a feasibility study of water resource development and for other purposes in the Central Platte Valley, Nebr., with a Senate amendment thereto, and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the House amendment to the Senate amendment, as follows:

In lieu of the Senate amendment insert:

Strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

(1) Colville Indian Reservation, Chief Joseph Dam project, located in northeastern Washington.

(2) Gibson Dam powerplant, located on the Sun River in Lewis and Clark Counties, Montana.

(3) Imperial Irrigation District canal lining, located in Imperial Irrigation District, Imperial County in southern California.

(4) New Melones conveyance system study, Central Valley project, Stanislaus River division, located in Tuolumne, Calaveras, Stanislaus, San Joaquin, and Merced Counties, California.

(5) Pilot Butte powerplant, Riverton unit, located in Fremont County, Wyoming.

(6) Prairie Bend unit, located in the Platte River Basin, located in Buffalo and Hall Counties, Nebraska. Such feasibility study shall include a detailed report on any effects the proposed project may have on wildlife habitat, including habitat of the sandhill crane and the endangered whooping crane.

(7) Siletz River Basin project, located in Lincoln and Polk Counties, Oregon.

(8) Spring Canyon pumped-storage project, located in Mohave County, Arizona.

(9) Tongue River Dam, located in Big Horn and Rosebud Counties, Montana.

(10) Water conservation and efficient use program, All-American canal relocation project, located in Imperial County, California.

(11) Upper Klamath offstream storage study, Klamath project, located in Klamath County, Oregon.

(12) South Dakota water deliveries study, Pick-Sloan Missouri Basin program, located in Brown and Spink Counties, South Dakota.

(13) Central South Dakota water studies, Pick-Sloan Missouri Basin program, located in Sully, Hughes, Hyde, Hand, Beadle, and Faulk Counties, South Dakota.

(14) Blue Holes Reservoir, located in Fremont County and the Wind River Indian Reservation, Wyoming.

(15) Muddy Creek Basin hydrologic, surge relief, and erosion control study, near Great Falls, Montana.

SEC. 2. Before funds are expended for any of the feasibility studies authorized herein, the State in which the proposed project which is the subject of such feasibility study, or some other non-Federal entity, shall agree to participate in the study and to share in the cost of the study. The non-Federal share of the cost shall be a reasonable share, as determined by the Secretary of the Interior and may be partly or wholly in the form of services directly related to the conduct of the study.

SEC. 3. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to complete protection of the Fisherman's Wharf area of San Francisco, California, substantially in accordance with the report of the Chief of Engineers dated February 3, 1978, as supplemented on June 7, 1979. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

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

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

Mr. LUJAN. Mr. Speaker, reserving the right to object, I do so simply to ask the gentleman from California if there is any expenditure of funds involved in these studies? I know the question is going to be asked. I know the answer, but I should ask it.

Mr. PHILLIP BURTON. These items are all within the legislative budget and, therefore, the costs, if any, are de minimis.

Mr. LUJAN. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. VENTO. Mr. Speaker, reserving the right to object, can the gentleman tell me if these feasibility studies include the amendment language agreed to with regard to the cost-sharing with regard to the State participation?

Mr. PHILLIP BURTON. The answer is yes.

Mr. VENTO. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, can the gentleman tell me what the level is of local cost-sharing that is in that amendment?

Mr. PHILLIP BURTON. The feasibility study, I am led to believe by the staff, is the administration cost-sharing guidelines.

Mr. WALKER. Well, can the gentleman tell me what the level of that cost-sharing is if we are establishing a local cost-sharing project? Can we know what the level is?

Mr. PHILLIP BURTON. My distinguished colleague from New Mexico (Mr. LUJAN) can respond to that.

Mr. LUJAN. Will the gentleman yield to me?

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

Mr. LUJAN. I would say to the gentleman there are administration guidelines for these sorts of projects. It is about 25 percent.

Mr. WALKER. Twenty-five percent?

Mr. LUJAN. Around there.

Mr. VENTO. If the gentleman will yield further, this is another precedent-breaking in the sense that we have feasibility studies with cost sharing. The actual cost of the feasibility study, while not great, there is provision here for the Secretary of the Interior to negotiate cost sharing on the States and local governments that participate.

This is an agreement that I worked out with the gentleman from Texas (Mr. KAZEN).

Mr. WALKER. Further reserving the right to object, I might ask the gentleman, because I know this is a subject that I know he has been interested in, is this figure of 25 percent approximately what you are saying?

Mr. VENTO. There is no set figure in here. While the relative cost of the feasibility studies is not as great as some of the water projects themselves, we feel the Secretary of the Interior will negotiate a fair and reasonable price with regard to the feasibility studies.

I know the Brass case is particularly important. When we passed it through this body it did not have a cost-sharing figure. A specific percentage is not in this, if that is your question.

Mr. WALKER. Yes.

Mr. VENTO. But I think from my view, I think this is an improvement over the general way that we do it and that is why I have agreed to go along with it and that is why I hope the gentleman will, too.

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Mr. WALKER. I thank the gentleman. Further reserving the right to object, is that the entire substance of the House amendment, that we are putting the cost-sharing provision in?

Mr. VENTO. I do not know. I know that is part of the provision. That is the key part I was interested in.

Mr. LUJAN. When it first went to the House we had one project. The administration had requested some others, so the administration added them, and this cost-sharing provision.

Mr. WALKER. The House amendment we are referring to, as I understand it, we are only talking about one project?

Mr. LUJAN. We were talking about one, and the administration asked for a total of 14, I believe it was. So, those

other 13 were put on it on the Senate side. So, we are adding 13 projects as requested by the administration, and the cost-sharing provision.

Mr. WALKER. Well, that adds quite a bit of money here. Can we get some idea as to what these 13 projects are that we are adding?

Mr. LUJAN. We had $1.6 million for the Nebraska project, and 14 others were $9.4 million. But, the gentleman misunderstood. It is all done within their budget for these kinds of projects, and that is already authorized. they are already, assuming the appropriation passes, and they will have the money.

Mr. WALKER. The entire amount of money for the 14 projects is covered in the budget, agreed to by the OMB?

Mr. LUJAN. Yes, it is in the budget.

Mr. WALKER. Could we get some idea, does somebody have a list of these other projects?

Mr. LUJAN. Yes. Does the gentleman want me to go through the whole thing?

Mr. WALKER. I would, please.

Mr. LUJAN—

(1) Colville Indian Reservation, Chief Joseph Dam project, located in northeastern Washington.

(2) Gibson Dam powerplant, located on the Sun River in Lewis and Clark Counties, Montana.

(3) Imperial Irrigation District canal lining, located in Imperial Irrigation District, Imperial County in southern California.

(4) New Melones conveyance system study, Central Valley project, Stanislaus River division, located in Tuolumne, Calaveras, Stanislaus, San Joaquin, and Merced Counties, California.

(5) Pilot Butte powerplant, Riverton unit, located in Fremont County, Wyoming.

(6) Prairie Bend unit, located in the Platte River Basin, located in Buffalo and Hall Counties, Nebraska.

(7) Siletz River Basin project, located in Lincoln and Polk Counties, Oregon.

(8) Spring Canyon pumped-storage project, located in Mohave County, Arizona.

(9) Tongue River Dam, located in Big Horn and Rosebud Counties, Montana.

(10) Water conservation and efficient use program, All-American canal relocation project, located in Imperial County, California.

(11) Upper Klamath offstream storage study, Klamath project, located in Klamath County, Oregon.

(12) South Dakota water deliveries study, Pick-Sloan Missouri Basin program, located in Brown and Spink Counties, South Dakota.

(13) Central South Dakota water studies, Pick-Sloan Missouri Basin program, located in Sully, Hughes, Hyde, Hand, Beadle, and Faulk Counties, South Dakota.

(14) Blue Holes Reservoir, located in Fremont County and the Wind River Indian Reservation, Wyoming.

Mr. WALKER. I thank the gentleman, and these are all feasibility studies?

Mr. LUJAN. These are all feasibility studies.

Mr. WALKER. All the money the Federal Government has to put up will be included in the continuing resolution?

Mr. LUJAN. Yes.

Mr. WALKER. Mr. Speaker, I withdraw my reservation of objection.

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

Mr. FITHIAN. Mr. Speaker, reserving the right to object, so many times at the end of a Congress we get down to the very last moment and we have requests such as this, a number of projects with or without hearings. We inevitably end up a little later on finding that either environmental or other objections are there for these projects, and the argument comes that, "We have already committed money to the study," and we find ourselves increasingly bogged down in projects such as these.

It is therefore as much to the process as to the individual project that I object. I reluctantly do object.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO CONSIDER H.R. 6820, HANDICAPPED INDIVIDUALS SERVICES AND TRAINING ACT

Mr. PERKINS. Mr. Speaker, I call up the bill (H.R. 6820) to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to provide for the operation of the Vinland National Center for Health Sports and Physical Fitness for Handicapped Individuals and certain other centers which assist handicapped individuals in achieving greater independence, and to assure continued national support for other projects and services for the deaf and other handicapped individuals, and ask unanimous consent for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

Mr. ERDAHL. Mr. Speaker, reserving the right to object, I do so only to enable the chairman of the committee, who had been so cooperative in supporting me on the bill that I have introduced and which has been before us since last July, and in helping steer this through the subcommittee and the committee, I reserve the right to object so that he may make a brief explanation of the bill.

First of all, I yield to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I rise in support of H.R. 6820, the Handicapped Individuals Services and Training Act, and would like to emphasize the importance of title IV, captioned media and related services for deaf and other handicapped individuals.

First, however, I would like to thank Chairman PERKINS and Chairman MURPHY for their leadership and support for this measure, and would especially like to commend the bill's sponsor, Congressmen ERDAHL, for his hard work and persistence in advancing this much needed legislation.

Title IV of H.R. 6820 establishes an independent, permanent authorization for captioned film services for the deaf. The captioned films for the deaf program was established in 1958, and is currently authorized under the Education of the Handicapped Act. This important program has provided for the production and adaptation of media materials, demonstration of innovative uses of such media for improving special education and related services; training on the use of new or particularly effective delivery systems; and the establishment and maintenance of a distribution system for improving special education for handicapped children.

Over the years, the captioned film program has proven to be invaluable in the education of deaf and hearing-impaired individuals, and in facilitating their integration into the mainstream of American life. Educational and cultural information that most of us take for granted would simply not be available to deaf individuals if it were not for the existence of the captioned film program.

However, two problems have threatened the continuation and stability of the captioned film program. First, as a result of the Omnibus Reconcilation Act of 1981, the captioned film program is no longer permanently authorized, and will expire on September 30, 1983, unless extended. Second, funding was $1 million lower than in previous years in fiscal year 1981 and fiscal year 1982, despite the continuing demand and need for such services. Clearly, both of these developments threaten to undermine captioned film services for the deaf.

The rationale for title IV is that the captioned film program is not discretionary; rather, it is a fundamental service which contributes to the independence of disabled persons, and which consequently deserves more predictable Federal support and more careful consideration in the appropriations process. Let me also point out that title IV does not increase the current authorization level, or make any major administrative changes.

Testimony in support of title IV pointed out that educational achievement by deaf persons is greatly enhanced by captioned films, which are used extensively and effectively. Although the program has been in existence for more than 20 years, less than 3 percent of the educational films available to the general public are captioned. The need for the program con-

tinues to be very great. Furthermore, this type of service is particularly appropriate for Federal support since it would be difficult and costly for the States to attempt to duplicate it.

For these reasons, I would urge my colleagues to support and vote for the passage of H.R. 6820.

Mr. ERDAHL. Mr. Speaker, I yield to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Speaker, I commend my colleague from Minnesota. The portion of the bill as originally introduced that designated certain institutions, it is my understanding that has been removed, is that correct?

Mr. ERDAHL. In response to the gentleman's question, yes, that was the main objection that came out of the committee, that people were concerned about that, and some of these institutions were out of the competitive field. That was removed in the committee, and now they must submit to competition.

Mr. SIMON. I thank the gentleman.

Mr. ERDAHL. Mr. Speaker, I yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Speaker, we are considering the Handicapped Individuals Services and Training Act, H.R. 6820. This bill provides for the operation of the Helen Keller National Center for Deaf-Blind Youth and Adults; the Vinland National Center for Health Sports and Physical Fitness for Handicapped Individuals; regional postsecondary programs for the deaf and other handicapped individuals; and for the distribution of captioned media and other adapted materials to handicapped individuals.

This bill is the product of the efforts of many Members of Congress, but I would particularly like to acknowledge the diligent leadership of Congressman AUSTIN MURPHY, chairman of the Subcommittee on Select Education and ranking minority member, Congressman ARLEN ERDAHL, whose consistent and tireless work has contributed greatly to this legislation.

I would like to briefly touch on the highlights of H.R. 6820. Title I of the bill would establish an independent, permanent authorization for the Helen Keller National Center for Deaf-Blind Individuals with a funding level of $3.5 million in fiscal year 1984 and such sums thereafter. The current authorization for this center expires on September 30, 1983.

Title II of the bill establishes a 5-year authorization for the Vinland National Center for Physical Fitness and Health Sports for the Handicapped. For construction, the bill authorizes $2 million in fiscal year 1984 and $1 million in fiscal year 1985 with a requirement for matching funds from non-Federal sources. For the center's operations, the bill authorizes $2.3 million over 5 years starting in fiscal year 1984 ($650,000 in fiscal year 1984 and 1985; $400,000 in fiscal year 1986; and $300,000 in fiscal year 1987 and fiscal year 1988). The bill also requires non-Federal funding in each year during the 5 years: 10 percent in fiscal year 1984; 25 percent in fiscal year 1985; 33 percent in fiscal year 1986; 50 percent in fiscal year 1987; and 75 percent in fiscal year 1988.

Title III of the bill establishes a 5-year independent authorization for regional postsecondary programs for the deaf and other handicapped individuals with a funding level of $4 million in each of the 5 years starting in fiscal year 1984. Eighty percent of the funds are to be spent on four programs for the deaf which are determined through a competitive process. The current authorization for regional postsecondary programs is due to expire on September 30, 1983.

Title IV of the bill establishes an independent, permanent authorization for the distribution of captioned media and other adapted materials to handicapped individuals with a funding level of $17.5 million in fiscal year 1984 and such sums thereafter. The current authorization for this program is due to expire on September 30, 1983.

Authorization levels for all programs under this bill would be $27.65 million in fiscal year 1984; $27.95 million in fiscal year 1985; $26.60 million in fiscal year 1986; and $26.40 million in fiscal year 1987. Of these amounts, only $5 million for the Vinland National Center is a new authorization.

Mr. Speaker, I believe that this is a good and much needed piece of legislation. It received overwhelming support in the Committee on Education and Labor. It is important that it be considered without further delay. I therefore urge my colleagues to vote overwhelmingly today in favor of this bill.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. ERDAHL. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I appreciate the gentleman yielding. I just want to commend the gentleman from Minnesota and say that he has really been a stellar performer in terms of his work with the Vinland National Center in Minnesota. We are going to miss his service with respect to the Vinland Center. He has been a leader in our delegation, and we appreciate his effects in terms of picking up on this initiative. I hope that we can do half the job that he has done in terms of putting this on the right track.

I looked over the bill. I thank the chairman and the members of the committee, especially, of course, our departing Member from Minnesota for his efforts and for his part in the Vinland National Center.

Mr. ERDAHL. I thank the gentleman.

Mr. Speaker, it is with a sense of personal pride that I speak in support of H.R. 6820, the Handicapped Individuals Services and Training Act of 1982. Having introduced the bill in July 1982 I welcome this opportunity for my colleagues to consider the merits of this legislation. I hope you will react to H.R. 6820, as did the members of the Committee on Education and Labor did—they ordered it reported out 28 to 2 on December 1, 1982.

My most distinguished colleague and friend, Chairman PERKINS of Kentucky, has outlined the contents of H.R. 6820 for you. Now I would like to describe briefly the rationale for the bill.

Quite simply H.R. 6820 will contribute to the employability, integration, and independence of America's 35 million handicapped citizens. First, the Helen Keller National Center for Deaf-Blind Youth and Adults has since 1969 been the sole national resource for preparing deaf-blind individuals for independence and employment. However, the authorization for the Helen Keller National Center is due to expire on September 30, 1983. Furthermore, as part of the Rehabilitation Act it is considered—during budget and appropriation deliberations—as part of a general category called special services projects. Helen Keller is not a special service project which like other Federal grants and contracts may warrant termination or recompetition for new awards every few years. Helen Keller is a one-of-a-kind institution. States and local governments have neither the capacity nor the moneys to provide the services that are available at the Helen Keller National Center. There is widespread agreement that the center is doing a commendable job. H.R. 6820 would allow a permanent authorization for the Helen Keller National Center and would provide it with its own line item in the budget like Gallaudet College, the National Technical Institute for the Deaf, and the American Printing House for the Blind. The authorization of an appropriation—$3.5 million for fiscal year 1984 is the level set for fiscal year 1983 in the Reconciliation Act of 1981.

Second, H.R. 6820 provides a one-time, 5-year authorization for the Vinland National Center for Health Sports and Physical Fitness for Handicapped Individuals. Vinland is not a recreation facility for handicapped individuals. It is, however, a facility where handicapped individuals and able-bodied persons learn basic principles of wellness and how to participate and train others in sports which have been adapted for handicapped persons.

Last year in 18 States and 37 cities as well as on its own campus, Vinland offered workshops for over 3,700 persons in health sports and physical fit-

ness. I believe Vinland brings a new, complementary dimension to the field of vocational rehabilitation. For example, over the last 10 years America has developed a vibrant preoccupation with maintenance—good nutrition, exercise, self-improvement both physically and mentally. Yet the American with a disability often does not have access to or know how to benefit from this phenomenon. Vinland can provide the link and transition so that handicapped Americans can also become more personally responsible for their own well being.

As the chairman pointed out, Vinland must meet escalating matching requirements in order to obtain funds which are appropriated over the 5-year period. I believe this is a unique funding concept very appropriate for this time of limited resources. That is, Vinland, as a potential recipient of Federal funds must demonstrate that it has financial commitments from non-Federal sources, and that such commitments must increase relative to the Federal contribution over the 5-year period. I have seen the experiences offered by Vinland lead to greater independence and self-confidence for handicapped individuals, as well as lead to fuller integration into home, work environments, and community. I hope you will join me in investing in some very special human capital. Funding for Vinland will yield innumerable benefits to individuals and society.

Third, H.R. 6820 would authorize for 5 years the regional postsecondary programs—programs that provide post-high school opportunities to America's handicapped youth. Currently the regional postsecondary programs are authorized under the Education of the Handicapped Act. Eighty percent of the appropriated funds are awarded to four postsecondary institutions which serve the deaf—the Seattle Community College, Delgado College of New Orleans, the California State University at Northridge, and the St. Paul Technical Vocational Institute. The remaining 20 percent of the appropriated funds are awarded to postsecondary institutions that serve students with disabilities other than deafness. The authorization for this program originally sponsored by my predecessor, now Governor of Minnesota, Mr. Quie, will expire on September 30, 1983. Mr. Quie recognized the unique nature of deafness—that for young deaf people it is a language deficit rather than a hearing deficit which inhibits their readiness for and success in more postsecondary institutions. Institutions like the St. Paul Technical-Vocational Institute trains deaf students in the same classes with their hearing counterparts, yet provides that margin of difference—individualized interpreters, tutors, and notetakers—to compensate for the language deficit. Yet a deaf student who completes a program at St. Paul Technical-Vocational Institute is equally qualified and as likely to be hired as the student who can here.

As I indicated, H.R. 6820 would reauthorize this effective, noncontroversial Federal program for 5 years. Eighty percent of the appropriations would continue to go to four postsecondary programs that serve deaf students. Awards would be given to institutions which demonstrate through grants or contract proposals that they have the capacity to provide students with services comparable to those now available. The authorization of appropriations for these regional postsecondary programs would be $4 million for each year from fiscal year 1984 through fiscal year 1988. The $4 million level is the one set in the Omnibus Reconciliation Act of 1981 for fiscal year 1983.

Fourth, H.R. 6820 would establish a permanent authorization for a federally funded loan service for captioned media and other adapted materials for handicapped persons. This service was originally established in 1958, and is now authorized under the Education of the Handicapped Act, but will terminate on September 30, 1983, unless reauthorized. H.R. 6820 gives us an opportunity to insure that this vital service continues and that handicapped persons have access to education-related material in a form that they can use. If handicapped individuals are appropriately accommodated through the continuation of this service they can more fully learn about their environment and make a greater contribution to society.

In conclusion, H.R. 6820 represents an effort to insure the continuation of some established, proven Federal programs—Helen Keller National Center, regional postsecondary programs, and the distribution of captioned media—and to authorize another—the Vinland National Center for Health Sports and Physical Fitness for Handicapped Individuals. To me, this is a special bill and a special time; I hope you will join me in voting for H.R. 6820.

Mr. LIVINGSTON. Mr. Speaker, will the gentleman yield?

Mr. ERDAHL. I yield to the gentleman from Louisiana.

Mr. LIVINGSTON. Mr. Speaker, I appreciate the gentleman yielding to me. I also want to compliment him on his fine work while he has been in the House. I have thoroughly enjoyed working with him while he has been here.

But, I am also pleased with his efforts and with the efforts of his staff in preserving the integrity of the regional postsecondary education program for the handicapped, authorized under title III of this legislation.

Provisions under title III allocate 80 percent of the funds to be directed to four regional postsecondary education institutions for deaf students. While I am concerned that the committee has not specified what institutions should receive these funds and that some members of the committee feel open competition should be the process that is followed in awarding these funds, I would like to ask the gentleman from Minnesota for some clarification on this matter.

Is it the intention of the committee and this legislation under any new competition for these funds, that these funds should go to institutions which can provide comparable services and training to the deaf and handicapped as those provided by the four institutions presently funded under section 625 of the education amendments?

Mr. ERDAHL. Yes. Mr. Speaker, it is our intention that the new grants and contracts awarded through competition should be just to institutions which have demonstrated the capacity to provide deaf students with services and training comparable to those now available at Delgado College in New Orleans, the St. Paul Vocational Technical Institute, the Seattle Community College, and the California State University at North Ridge.

Mr. LIVINGSTON. I appreciate the gentleman's clarification, and I note that it is possible that by opening up this program to competition we may be jeopardizing the quality of service to our deaf handicapped.

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Furthermore, a grant process that has no continuity of service would surely be a detriment to our deaf handicapped in obtaining educational services that have led, under present programs, to the development of productive citizens in our society who are not dependent on government largess. Nevertheless, I am grateful to the gentleman from Minnesota (Mr. ERDAHL) and to the chairman as well for this clarification of the possible dangers to these comparable services.

While I am not totally satisfied with the provisions of title III, it is indeed a compromise, and we must move forward with this authorization. I thank the gentleman for his efforts and assistance and I urge that this Chamber support this legislation.

Mr. Speaker, I thank the gentleman from Louisiana (Mr. LIVINGSTON).

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ERDAHL. Yes, of course, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, will the gentleman tell me whether the funding that is authorized here is included within the budget and whether or not it has the funding appropriated for it?

Mr. ERDAHL. Mr. Speaker, if the gentleman will yield, my understanding is that of the four titles of the bill,

three of them, frankly, with the exception of the program in which I have been most involved and that some people have talked about, the Vinland Center, are already authorized under the budget. There is nothing requested as far as an appropriation is concerned.

The part for the Vinland Center, which is a concept dedicated to health sports, training, another recreational facility to enable people to live independently, hopefully, to be spread throughout the country, was originally funded by the Norwegian Government, a later appropriation and funding came from this Congress, and the State of Minnesota participated. On this part of it there is $2.6 million in new authorization provided for in this bill.

Mr. WALKER. This is new authorization? This would be over and above the budget? There is no item in the budget for this?

Mr. ERDAHL. Mr. Speaker, I think the gentleman would be correct in that assumption.

Mr. WALKER. And there is no appropriation; is that correct?

Mr. ERDAHL. There is no appropriation. This is an authorization for starting. It is a rather unique program in that down the road it requires a matching of private funds until eventually they would take over the entire cost of the operation.

Mr. WALKER. Mr. Speaker, I know of the gentleman's long and hard work in the Congress, and I know of his dedication to this kind of project, and therefore, I am very reluctant to object.

However, Mr. Speaker, I do have to object.

The SPEAKER pro tempore. Objection is heard.

● Mr. GILMAN. Mr. Speaker, I rise to express my support for H.R. 6820 and especially for the provision which would establish an independent, permanent authorization for the Helen Keller National Center for Deaf-Blind Youth and Adults. The Helen Keller National Center (HKNC) is located in Sands Point, N.Y., and was established in 1967 by a unanimous act of Cogress as a comprehensive rehabilitation, research, and training facility for blind and deaf youths and adults. It is operated by the Industrial Home for the Blind, and its main purpose is to help the deaf-blind individual develop a greater sense of personal dignity and a conviction to face the future through improved self-sufficiency with the greatest degree of independence possible.

The Helen Keller National Center was constructed with Federal funds and under the statutory authority of section 313 of the Rehabilitation Act of 1973, which recognizes HKNC as a natural resource. The center has received Federal funding for construction and operation for a number of years. Currently HKNC is combined with a number of rehabilitation service projects under title III of the Rehabilitation Act, which makes every year an uncertainty in terms of planning and commitment due to funding cuts imposed on this category of services and competition for funds among all the projects involved. H.R. 6820 would provide statutory authority for the center independent of the Rehabilitation Act, which would provide a separate appropriation line item for the center and would allow it to attain a certain degree of stability necessary for development of long-range programs for research, training, and service delivery.

The Helen Keller National Center requires the protection and endorsement of a separate appropriation line item. The center is the only one of its kind in the Nation, focusing on providing intensive, specialized services to that special segment of our population struggling with one of the most severe of all disabilities—deaf blindness. Because this special population is small in number compared with other disability populations—40,000 approximately in the United States at this time—and because of the severity of the disability, it is easy for these handicapped people to be lost in the competitive campaigns mounted for Federal funding. Training and working with the deaf-blind population is extremely expensive and complex. It requires highly individualized treatment and expertise. The high cost of and highly complex nature of services makes State and local funding and sponsorship of this program remote.

Directly, through it primary facility, and, indirectly, through its nine national service regional offices, HKNC provides testing, rehabilitation, and job training to hundreds of young people and adults each year. I have had the privilege of meeting some of these young people who have come to Washington to communicate their support for this center that has brought them new hope for a fulfilling life and the chance for developing their talents. Recently, the Rehabilitation Services Administration of the Department of Education announced that it was sending all of its 10 regional Commissioners to spend a week observing the services of the Helen Keller National Center in February 1983. This implicit recognition of the great job HKNC is doing should be expressly recognized by us today in permanently authorizing this center and its work, and the honor it brings to the amazing woman for whom it is named.

H.R. 6820 is of critical importance to the center's ability to continue its national role as the leader in bringing sight to the hearts and sound to the souls of Americans. During the mid-1960's, the nationwide rubella epidemic resulted in the birth of at least 6,000 deaf-blind babies. A vote for this bill is a vote of commitment to these young people and our determination that they get the individualized, technical assistance so expertly provide by the Helen Keller National Center. Transforming a world of darkness and silence into one full of hope and possibilities requires agonizing hours of individualized attention. I urge my collegues to support H.R. 6820 and its commitment to the triumph of the human spirit in a free, responsible society.●

REQUEST TO CONSIDER HOUSE JOINT RESOLUTION 460, WOMEN'S HISTORY WEEK

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Joint Resolution (H.J. Res. 460) designating the week beginning March 6, 1983, as "Women's History Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Mr. Speaker, reserving the right to object, I do not intend to object, but I would like an explanation, if possible, from the gentleman from New York of this legislation.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

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

Mr. GARCIA. Mr. Speaker, one of the problems we have had is that American women of every race, class, and ethnic background have played a major role in founding this Nation, and yet their achievements have largely gone unrecognized. It seems to me, that women play a very significant social role in all aspects of our Nation's life. They also constitute a significant portion of our present labor force today, both in the house and outside the home. Despite these contributions, American women have been consistently overlooked and undervalued as contributers to the history of this Nation.

Mr. COURTER. Mr. Speaker, I thank the gentleman for his explanation.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. COURTER. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I would like very much to thank the subcommittee chairman and the whole committee for bringing forth this piece of legislation. I would like especially to commend our col-

league, the gentlewoman from Maryland (Ms. MIKULSKI), for bringing it to the attention of the committee, and I would hope that the unanimous-consent request would be granted.

Mr. BADHAM. Mr. Speaker, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from California.

Mr. BADHAM. Mr. Speaker, I would like to inquire under the gentleman's reservation, when was this resolution introduced?

Mr. COURTER. Mr. Speaker, I am not sure. Under my reservation, I will have to yield to the gentleman from New York (Mr. GARCIA) for an answer.

Mr. GARCIA. Mr. Speaker, I thank the gentleman for yielding.

The resolution was introduced on April 20, 1982.

Mr. BADHAM. May I inquire, Mr. Speaker, under the gentleman's reservation, why is it that this resolution comes to the floor of the House of Representatives at 5 minutes to nine on December 17?

Mr. GARCIA. For the same reason, I suppose, that at this particular hour in closing sessions of legislative bodies throughout the country these things happen.

Mr. BADHAM. Mr. Speaker, if the gentleman would continue to yield, I would like to inquire further.

We had a proposal earlier this evening to create an historian for the House, and I wonder if the women in history and in the Congress would be covered by this establishment of an historian for the House of Representatives?

Mr. GARCIA. I would hope that they would. If in fact they have played a role, they should be recorded and given due credit, absolutely.

Mr. BADHAM. Mr. Speaker, I personally think, if the gentleman will yield under his reservation, for which I thank the gentleman, it would be an insult to the women of this country who have contributed so much to have at this hour a resolution jammed through. So it would be my intention, when the gentleman yields back, to enter a reservation of objection and to object.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. BADHAM. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PUBLIC EMPLOYEES' APPRECIATION DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 619) designating January 17, 1983, as Public Employees' Appreciation Day, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. KAZEN. Mr. Speaker, reserving the right to object, I do this in order to inquire about the procedure for the rest of this evening.

It was this gentleman's understanding that there would be a motion made to go into the Committee of the Whole to finish 3½ hours of debate on the immigration bill. That was the impression that I was laboring under.

Now, if this has been changed, I would hope that the House would know about it, and if it has not, we would certainly like to put those Members on notice that from now on there is going to be a lot more talking and a lot more reserving of rights to object. I take this reservation in order to make this parliamentary inquiry.

The SPEAKER pro tempore. The Chair knows of no change in the schedule beyond that announcement of the majority leader, and that was that there would be various unanimous-consent requests entertained prior to resolving into the Committee of the Whole House to consider the bill.

Mr. KAZEN. Further reserving the right to object, Mr. Speaker, it would seem to me that if this House is going to vote to go into the Committee of the Whole after all of these unanimous-consent requests are out of the way—and I understand that there are about eight more—if that happens, then these Members who will be well served by having their legislation passed will then go home and leave those who are only interested in immigration, which would be probably a handful. That, I would say, is very unfair to the legislation itself and to the country as a whole.

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

Mr. KAZEN. Under my reservation, Mr. Speaker, I yield to the gentleman from New Mexico.

Mr. LUJAN. Mr. Speaker, I would inform the gentleman that it would not be prudent for any of the Members to leave because it is my understanding that there will be a vote on resolving into the Committee of the Whole to hear the immigration bill this evening.

Mr. KAZEN. Yes, I understand that. And further, that if that motion fails, that would be the end of it and we could go home. So I hope we can get to it pretty quickly.

Mr. COURTER. Mr. Speaker, will the gentleman yield?

Mr. KAZEN. I yield to the gentleman from New Jersey under my reservation.

Mr. COURTER. Mr. Speaker, I thank the gentleman for yielding.

If the gentleman would be so kind as to yield to the gentleman from New York (Mr. GARCIA) I would like to propound a question to the gentleman from New York.

It is my understanding that there are not eight but possibly three or more unanimous-consent requests remaining. All three or four requests could probably be completed within a few minutes.

Mr. KAZEN. Yes, but that is this committe only. There are others, as I understand it.

Mr. GARCIA. Mr. Speaker, will the gentleman yield?

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

Mr. GARCIA. Mr. Speaker, we have all had a great deal of patience this evening, there is no question about it, but I think it is safe for me to say that after this point, after I finish with the three or four remaining resolutions that I have pending here, which should go very quickly, the good Lord willing, there is only one request to be made by the gentleman from California (Mr. PATTERSON).

Mr. KAZEN. I understand there are two more.

Mr. GARCIA. All right, two more.

Mr. KAZEN. So I say to the gentleman, that there are six.

□ 2100

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. HOYER. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I would like to take this opportunity to thank the gentleman from New York for his leadership in bringing this resolution to the floor. House Joint Resolution 619 requests the President to designate this January 17 as "Public Employees Appreciation Day."

Mr. Speaker, our local, State, and Federal Governments are experiencing some very tight budgetary restraints. It is a difficult time for Government employees who have not been able to secure salaries that meet inflation. And it is a difficult time for public employees who are becoming increasing threatened by furloughs and reductions in force due to budgetary cutbacks. It is very appropos that in the midst of this holiday season we pause to pay tribute to these dedicated and often-forgotten employees.

This resolution also commemorates the enactment of the Pendleton Act 100 years ago. When Congress enacted the Pendleton Act, it inaugurated a new concept in government—the concept that our taxpayers' dollars should be managed by professionals instead

of political cronies. These employees protect our shores, maintain our roads, explore space, and help cure disease. The frustration of the American public is often undeservedly passed onto these public employees. It is time now to reflect on the accomplishments of these individuals over the past 100 years and pay them the tribute to which they are entitled. I again thank the gentleman from New York for giving us this opportunity and urge my colleagues to support this worthy resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

THE 150TH ANNIVERSARY OF FOUNDING OF GREENE COUNTY, MO.

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from the further consideration of the joint resolution (H.J. Res. 630) to commemorate the one hundred and fiftieth anniversary of the founding of Greene County, Mo., and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Mr. Speaker, I reserve the right to object.

Mr. TAYLOR. Mr. Speaker, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Missouri.

Mr. TAYLOR. Mr. Speaker, I want to take this opportunity to commend the gentleman from New York (Mr. GARCIA) for bringing this measure to the floor and I rise in support of House Joint Resolution 630 which commemorates the 150th anniversary of the founding of Greene County, Mo.

As the principal sponsor of this resolution and the Representative in Congress honored to represent Green County in these Halls, I am hopeful that my colleagues will join me in approving this resolution today.

This January 2 will be the 150th anniversary of the formal creation of Greene County by the Missouri State Legislature in 1983. At that time, Greene County was made up of what is now 15 individual counties; 15 out of the 17 that I represent here in Congress. It had its beginnings with two brothers, J. P. and Madison Campbell, who left their homes in central Tennessee in 1829 to look for suitable homes in the West. They arrived at what was to become known throughout southwest Missouri as Fulbright Spring. There they cut their names into the sides of trees to mark their claim and returned to Tennessee for their families.

They returned to southwest Missouri and on March 4, 1830 set up their homestead camp just a short distance from what is today the public square in Springfield, Mo., the largest city in my congressional district and the third largest city in the State of Missouri. Of some interest to my colleagues may be the fact that the first election in the county was the one to elect a U.S. Congressman. It was held on August 5, 1833, but it lasted for 3 days because of the difficulty in getting the so-called back settlement vote recorded

This county, named for the Revolutionary War hero, Gen. Nathanael Greene, as you can tell, has had a historic role to play in the State of Missouri and the Nation and I would urge that my colleagues here today join me in honoring those hearty individuals who founded and still live in this great county on this, their 150th anniversary.

Mr. Speaker, I withdraw my reservations.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 630

Whereas 1983 marks the sesquicentennial anniversary of the founding of Greene County, Missouri;

Whereas Greene County, named for the distinguished Revolutionary War hero, General Nathanael Greene, has enjoyed a long and distinguished history, and has contributed many of its sons and daughters to hold high public office and otherwise serve the State of Missouri and our Nation;

Whereas in 1833 Greene County included all of southwest Missouri and remains today the cultural and economic hub of that part of Missouri; and

Whereas Greene County is the third most populous county on the State of Missouri and continues to grow and prosper: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation commemorating January 3, 1983, as the one hundred and fiftieth anniversary of the founding of Greene County, Missouri, and to transmit an enrolled copy of such proclamation to the Governor of the State of Missouri, and the presiding judge of Greene County, Springfield, Missouri.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRANSFER OF RESPONSIBILITY FOR QUARTERLY FINANCIAL REPORT FROM FEDERAL TRADE COMMISSION TO SECRETARY OF COMMERCE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from the further consideration of the bill (H.R. 7410) to amend title 13, United States Code, to transfer responsibility for the quarterly financial report from the Federal Trade Commission to the Secretary of Commerce, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Mr. Speaker, I reserve the right to object.

Mr. Speaker, I do not intend to object, but rise in support of this legislation. H.R. 7410 provides for the Quarterly Financial Report—QFR—to be transferred from the Federal Trade Commission to the Commerce Department. The administration of the QFR will be assumed by the Bureau of the Census. The administration determined that the QFR would be better administered by the Bureau of the Census—the primary statistical agency in our country rather than being administered by the FTC which is an investigatory and rulemaking body.

This bill deals solely with the transfer of authority for a single statistical activity and does not impair or strip the FTC of any existing authority.

It is of essence that we act now. The QFR provides very current aggregate statistics on the financial earnings of U.S. corporations and is used to make quarterly and annual estimates of the gross national product. The next QFR is scheduled to be taken later this month. The bill, H.R. 7410, which is supported by the administration is also enthusiastically supported by the Chamber of Commerce, National Association of Manufacturers, National Federation of Business, and the National Small Business Association.

I urge my colleagues to support this legislation.

Mr. Speaker, I withdraw my reservation.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. COURTER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I was going to ask the gentleman to yield for an explanation of this. It looks like this is something more substantive than some of the things we have been doing here for the last few minutes.

As one of the gentlemen said, I do not believe this is going to bring the Communists to their knees but this

one looks like it has some substance and I would like an explanation.

Mr. COURTER. Mr. Speaker, I think the gentleman from Pennsylvania will like this one. It has to do only with the transfer of authority of a single statistical activity from the Federal Trade Commission to the Commerce Department.

This administration feels that that particular statistical activity, that is, compiling the quarterly financial reports, would be better under the auspices of the Bureau of the Census rather than the FTC.

It has the wholehearted support of the Chamber of Commerce, the administration, the National Association of Manufacturers, the National Federation of Businesses, the National Small Business Administration.

I think my explanation is clear enough. It has to do with the transfer of only that statistical piece of information from one agency to another and we know of no group or organization that has any objection whatsoever.

There is no cost involved.

Mr. WALKER. I cannot quarrel with all of that high-powered help.

Mr. GARCIA. Mr. Speaker, H.R. 7410 involves a simple transfer of authority for the administration of the Quarterly Financial Report—QFR—from the Federal Trade Commission—FTC—to the Secretary of Commerce, the day-to-day administration of the QFR will be delegated to and assumed by the Bureau of the Census. Enactment of this bill will insure the uninterrupted flow of financial statistics on the Nation's businesses.

Mr. Speaker, due to the press of time, hearings were not held on the bill and the Committee on Post Office and Civil Service did not meet and formally report H.R. 7410. In view of this, I think it imperative to provide my colleagues with a detailed background statement on the bill to establish the legislative history and to clarify congressional intent with respect to the Bill's specific provisions.

At the outset, let me say that the bill is the product of several weeks of careful negotiations between the Subcommittee on Census and Population, which I chair, and representatives from the Departments of Commerce and Treasury; the Internal Revenue Service; the Bureau of the Census and the Federal Trade Commission. All parties support this legislation.

Briefly, let me describe how we reached the point at which we are today, and then proceed to a more detailed explanation of the bill's provisions.

Last March, in testimony before the Subcommittee on Census and Population, the Director of the Bureau of the Census apprised members of the administration's decision to transfer the QFR program from the FTC to the Commerce Department. Despite this early notice, it was not until late September that the administration came forward with a bill Representative COURTER and I subsequently introduced H.R. 7297 by request on October 1. Shortly thereafter, we discovered that the legislation contained several substantive errors requiring correction in order to achieve the bill's stated objectves.

Shortly before the lame duck session convened, staff met with administration representatives to redraft the legislation. The revisions are embodied in H.R. 7410 which 10 of my colleagues on both sides of the aisle from the Post Office and Civil Service Committee and I introduced on December 13.

Mr. Speaker, as stated above, the bill provides for the transfer of the QFR from the FTC to the Commerce Department.

Since 1947, the QFR has been performed by the FTC. It provides very current aggregate statistics on the financial earnings of U.S. corporations and is used to make quarterly and annual estimates of the gross national product. In short, it is an important statistical indicator.

The administration has wisely determined that the QFR would be better administered by the Bureau of the Census—the Nation's primary statistical agency—than by the FTC which is an investigatory and rulemaking body.

Let me reassure colleagues, who may be friends or foes of the FTC, that this bill deals solely with the transfer of authority for a single statistical activity. It does not impair or otherwise strip the FTC of any other existing authority or function.

Let me now be more specific about the bill's provisions.

Section 1 of H.R. 7410 directs the Secretary of Commerce to conduct a QFR program in a manner that conforms with the program presently administered by the FTC. The Secretary may in his discretion, however, modify or revise the QFR when changed circumstances warrant.

The term "changed circumstances" is defined broadly to include improvements in procedures, methodology or questionnaire design; technological advancements; or corporate restructuring. In essence, the Secretary is authorized to make whatever modifications as are required on the basis of any reasonable internal or external changes effecting the QFR.

In addition, section 1 explicitly defines the QFR to be administered by the Census Bureau as a "related statistical activity" for the purposes of section 6103(j)(i) of the Internal Revenue Code. This will permit the Census Bureau to receive tax return information to administer the QFR. As my colleagues know, existing law already authorizes Census to access tax return information to facilitate its statistical work.

Thus, the bill does not expand current law. On the contrary, it merely clarifies that section of the IRS Code which authorizes the Census Bureau to access tax return information. The Bureau of the Census will be subject to the conditions and penalties imposed under existing law as well as all applicable rules and regulations issued by the Secretary of the Treasury governing the use of this tax data.

Section 2 of the legislation transfers all authority and functions of the FTC for the QFR to the Secretary of Commerce. Within 90 days of enactment, all personnel, property and records held by FTC prior to the effective date of this legislation and which were employed, held or used by the FTC to administer the QFR must be transferred to the Commerce Secretary. IRS data in the possession of the FTC prior to the effective date of this act which are subsequently turned over the Census Bureau, will be subject to all pertinent civil and criminal penalty provisions of the IRS Code. For the purposes of this section, the transfer of return information from FTC to Commerce shall be considered a direct transfer from IRS to Census. This section of the bill will afford the maximum protection and confidentiality for the transferred documents. FTC, Commerce, and Census employees shall be subject to severe criminal and civil penalties for the unsanctioned release of such data.

Mr. Speaker, section 3 of the bill requires the Secretary of Commerce to publish in the Federal Register, within 180 days of enactment, a statement of the Census Bureau's policy and practices with respect to the use of temporary employees by the Bureau under section 23(c) of title 13, United States Code. This section recognizes the need for outside personnel to assist the Bureau to do its job. It is not only a necessary practice but one that should be encouraged. Regretfully, the Bureau has administered the law unevenly. Accordingly, this section will require the Bureau to reevaluate and revise its internal policy and practices regarding all temporary employees listed under 23(c) of title 13. Moreover, the Bureau will have to better define the functions temporary employees may serve, and the type of "assistance" they may provide. This covers everything from the conceptual planning stages through the testing, administration, and evaluation phases of a survey or census. It also includes audits and investigations performed by the General Accounting Office; public and private contractors; and work performed by private or public organizations and instrumentalities. This revision of the Bureau's internal guidelines will not disturb the Secretary's discretionary authority to utilize tem-

porary employees. This will be preserved intact, nor will this notice be subject to public comment.

The notice required by this section will also delineate the penalties imposed by section 9 of title 13, United States Code, for the wrongful disclosure of confidential data by a temporary employee.

Frankly, I had hoped to achieve more on this matter but was willing to yield to publication of a notice instead of the formal rulemaking procedures in order to pass the bill. However, I want to put the Bureau on notice that publication of internal guidelines do not represent a long-term solution. The Record must be clear on this point. I intend to pursue this matter and insist that the Bureau takes maximum advantage of the professional and technical expertise existing outside the Bureau, in local and State governments and elsewhere.

The Census Bureau supports this provision in its entirety.

Finally, section 4 of the bill limits the Secretary's authority to conduct the QFR to 7 years. It also requires a report to Congress within 2 years of enactment.

Mr. Speaker, I believe this is a good bill. Certainly it is clearer and more tightly drafted than the earlier version and will provide for the orderly transfer of the QFR to census. Ancillary issues such as continued FTC access to IRS data are left for other committees to decide at a later date.

Time now is of the essence. The next QFR is scheduled to be taken later this month.

The Census Bureau needs this bill in order for the mandatory compliance provisions of title 13, United States Code to apply.

I urge my colleagues to support this bill so that the Senate can complete action before sine die adjournment.

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the bill, as follows:

H.R. 7410

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 3 of title 13, United States Code, is amended—

(1) by redesignating subchapter III as subchapter IV; and

(2) by inserting after subchapter II the following:

"SUBCHAPTER III—QUARTERLY FINANCIAL STATISTICS

"§ 91. Collection and publication

"(a) The Secretary shall collect and publish quarterly financial statistics of business operations, organization, practices, management, and relations to other businesses, including data on sales, expenses, profits, assets, liabilities, stockholders' equity, and related accounts generally used by businesses in income statements, balance sheets, and other measures of financial condition.

"(b) Except to the extent determined otherwise by the Secretary on the basis of changed circumstances, the nature of statistics collected and published under this section, and the manner of the collection and publication of such statistics, shall conform to the quarterly financial reporting program carried out by the Federal Trade Commission before the effective date of this section under section 6(b) of the Federal Trade Commission Act.

"(c) For purposes of section 6103(j)(1) of the Internal Revenue Code of 1954, the conducting of the quarterly financial report program under this section shall be considered as the conducting of a related statistical activity authorized by law.".

(b) The table of contents of chapter 3 of title 13, United States Code, is amended by striking out "III" in the item relating to subchapter III, and inserting "IV" in lieu thereof, and by inserting after the item relating to subchapter II the following:

"SUBCHAPTER III—QUARTERLY FINANCIAL STATISTICS

"91. Collection and publication.".

SEC. 2. (a) There are transferred to the Secretary of Commerce, for administration under section 91 of title 13, United States Code, all functions relating to the quarterly financial report program which was carried out by the Federal Trade Commission before the effective date of this Act pursuant to the authority of section 6(b) of the Federal Trade Commission Act (15 U.S.C. 46(b)).

(b) All personnel, property, and records of the Federal Trade Commission which the Director of the Office of Management and Budget determines, after consultation with the Secretary of Commerce and the Chairman of the Federal Trade Commission, to be employed, held, or used in connection with any function relating to the quarterly financial report program shall be transferred to the Department of Commerce. For purposes of sections 6103, 7213, and 7431, and other provisions of the Internal Revenue Code of 1954, return information (as defined in section 6103(b) of such Code) which is transferred under this subsection shall be treated as if it were furnished to the Bureau of the Census under section 6103(j)(1) of such Code solely for administering the quarterly financial report program under section 91 of title 13, United States Code. Such transfer shall be carried out not later than 90 days after the effective date of this Act.

SEC. 3. Not later than 180 days after the effective date of this Act, the Secretary of Commerce shall publish in the Federal Register a statement of the policy and practices of the Bureau of the Census relating to the administration of section 23(c) of title 13, United States Code. Such statement shall include a description of—

(1) the policy of the Secretary for the use of all individuals as temporary staff pursuant to such section 23(c) to assist the Bureau of the Census in performing work authorized under such title 13;

(2) the functions for which the Secretary, in his discretion, may appoint temporary staff to assist the Bureau in performing work authorized under such title 13;

(3) the practice applicable to the appointment of such temporary staff in performing such work;

(4) the requirements and penalties under such title applicable to temporary staff performing such work, together with safeguards to ensure that such temporary staff will observe the limitations imposed in section 9 of such title.

SEC. 4. (a) This Act shall take effect on the date of the enactment of this Act.

(b) This Act, including the amendments made by this Act, shall cease to have effect 7 years after such effective date.

(c) Not later than 2 years after such effective date, the Secretary of Commerce shall submit a report to the Congress regarding the administration of the program transferred by this Act. Such report shall describe—

(1) the estimated respondent burden, including any changes in the estimate respondent burden after the transfer of such programs;

(2) the application made by various public and private organizations of the information published under such program; and

(3) technical or administration problems encountered in carrying out such program.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

AMERICAN INDIAN DAY

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from the further consideration of the joint resolution (H.J. Res. 459) authorizing the President to proclaim May 3, 1982, as "American Indian Day," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

Mr. COURTER. Mr. Speaker, I reserve the right to object.

● Ms. FIEDLER. Mr. Speaker, I am pleased today to bring before the House, House Joint Resolution 459, a bill which will proclaim May 13, 1983, as American Indian Day—the first such recognition ever given by the Congress to the original Americans.

Throughout the history of the New World, the Indian community has played an integral part. I would like to present some of these historical highlights to the Members today as shared with me by members of my local American Indian community:

1492: It has been estimated that when Columbus first met the Indians, there were about 900,000 to 1,000,000 in what was to become the United States of America.

1605: Tisquantum, better known as "Squanto," and four other Indians were taken by Captain George Waymouth to England to provide information about the "New World."

1605: English settlers in Jamestown Colony were the recipients of much help from the Indians. Led by "Powhattan," the Indians gave the early settlers corn and showed them how to plant tobacco. This Chief's desire for peace, when combined with the wisdom and tact of Captain John Smith, helped insure and implement that worthy aim in a New World.

1620: "Squanto" was known as the good Samaritan. He made an early display of unselfish conduct in his relations with the settlers. The New England Bay Colony at Plymouth would have suffered, starved, and died out had it not been for the generosity of that great leader and his people. He is considered to be the reason that the Colony survived that terrible first winter in the New World. Historians can't seem to find a reason for his assistance, because he had been inhumanly treated by earlier English explorers, captured and sold as a slave. He subsequently escaped and on his return to his village found that the whole tribe had been the victims of small pox. After being so helpful at Plymouth, "Squanto" died about two years later from the "fever."

1621: "Massasoit," Chief of the powerful Wampanoag Tribe, was owed much by the colonists. The domain of this Great Chief included what is now Massachusetts and Rhode Island. Massasoit's real name was "Wasamegin", which translated means "Yellow Feather." Without the help of this powerful Chieftain, who entered into a treaty of peace with the white men and bequeathed large amounts of land to them, the Colonists would have perished. It was he who taught the white men how to plant and cook. It was he who had his people share their food and lore of living with the whites.

1751: (Iroquois Nation) Benjamin Franklin, writing about his proposed Albany plan of Union for the American Colonists, paid a high tribute to the Iroquois Confederation's development of their Confederated Government System. In his March 20th letter to Mr. Parker he wrote: "It would be a very strange thing if six nations of ignorant savages should be capable of forming a scheme for such a union, and be able to execute it in such a manner, as that it appears indissoluble; and yet that a like union should be impracticable for ten or a dozen English Colonies, to whom it is more necessary and must be more advantageous, and who cannot be supposed to want an equal understanding of their interest."

1778: George Washington wrote on March 13 from Valley Forge to the Commissioners of Indian Affairs. "I am empowered to employ a body of four hundred Indians, if they can be procured upon proper terms. I think they may be made of excellent use, as scouts and light troops, mixed with our own parties."

During the terrible winter at Valley Forge, Dr. Waldo, a surgeon, wrote: "I was called to relieve a soldier thought to be dying. He expired before I reached the hut. He was an Indian, an excellent soldier, and had fought for the very people who disinherited his forefathers."

1800: "Joseph Brandt," whose Indian name was "Thayandanega" of the Mohawk Tribe, was educated in English Mission Schools and commissioned a Colonel in the British Army. He was a principle leader, holding the Six Nations loyal in their allegiance with England during the Revolutionary War. He is credited with having translated the Bible into the Mohawk language before he died in November, 1807.

1900: "Charles Carter," a Choctaw, was one of the early members of the United States House of Representatives, and served in the State of Oklahoma from 1907-1927.

1908: Louis Tewanima, a Hopi Indian from Arizona, competed in the Olympic Games held in London and finished 9th in the 26 mile distance affair. In the next Olympics, he finished second to the famed "Flying Finn," Kannes Kilchmainen. He was a triple medal winner in both the 1908 and 1912 Olympics in which we competed in both 5,000 and 10,000 meters, as well as the Marathon race. He was the first athlete to be elected to the Arizona Sports Hall of Fame, way before the Indians were given citizenship or the right to vote in a national election.

1912: Jim Thorpe, of the Sauk and Fox Tribe, represented the United States in the Olympic games in which he won the decathlon. The Carlisle Institute graduate has often been referred to as the world's greatest athlete.

1913: The Federal Government issued the famous "Buffalo Head" Indian nickel designed by James Earl Fraser. This was an idealized composite portrait of thirteen Indian Chiefs, including "John Big Tree" of the Iroquois, "Iron Tail" of the Sioux, and "Two Moons" of the Cheyenne.

1916: May 13 was set aside as Indian Day and was sponsored by the Society of American Indians. The purpose was to recognize and honor the American Indian and to improve his conditions.

1917: Indians' love for their country, despite their not being subject to the draft law, was shown when more than 8,000 Indians served in World War I. Of that number some 6,000 were volunteers.

1918-1924: This was later to be a serious factor in the decision of Congress to pass the Indian Citizenship Act of 1924, even though Indians fought and died for this, their beloved homeland, long before World War I.

1941-1945: During the events of World War II more than 25,000 Indian men and women were enrolled in the military services. They served on all fronts in the conflict during which they were honored by receiving 71 Air Medals, 51 Silver Stars, 47 Bronze Stars, 34 Distinguished Flying Crosses and two Congressional Medals of Honor.

Their most famed exploit was that of Navajo Marines, who used their language as a battlefield code which the enemy failed to break. In all, about 70,000 American Indian men and women left reservations for the first time to enter military service.

1963: *Annie Dodge Wauneka*, a Navajo, was awarded the Medal of Freedom award by President John F. Kennedy, a few days before his assassination. This award is the highest peace-time honor, and is given to persons who have made outstanding contributions to the national interest or security, to world peace, or who have otherwise made substantial contributions in public or private endeavors.

Of course, Mr. Speaker, there have been many more incidents during our history when those who lived on this land long before any European explorer reached our shores have distinguished themselves. So, I believe it is most proper that the House of Representatives set aside a day—May 13, 1983—to honor the first Americans. And I am happy to have been able to author this measure and would like to thank the chairman of the committee and the entire committee for allowing this measure to come to the floor.●

Mr. COURTER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 459

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is authorized and requested to issue a proclamation designating May 13, 1982, as "American Indian Day", and calling upon the people of the United States to observe such day with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VACATING PROCEEDINGS ON HOUSE JOINT RESOLUTION 459, AMERICAN INDIAN DAY

The SPEAKER pro tempore. Without objection, the proceedings relating to House Joint Resolution 459 had, earlier today, been vacated.

There was no objection.

AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GARCIA: on page 2, line 11, after the word "designating" strike "May 13, 1982," and insert in lieu thereof "May 13, 1983."

The amendment was agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

TITLE AMENDMENT OFFERED BY MR. GARCIA

Mr. GARCIA. Mr. Speaker, I offer an amendment to the title.

The SPEAKER pro tempore. The Clerk will report the title amendment.

The Clerk read as follows:

Title amendment offered by Mr. GARCIA: amend the title to read "Authorizing the President to Proclaim May 13, 1983, as 'American Indian Day.'"

GENERAL LEAVE

Mr. GARCIA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the various bills and resolutions just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. OAKAR. Mr. Speaker, I reserve the right to object.

I shall not object, but I want to call attention to something that frankly I have been watching the proceedings by my chairman. I was somewhat appalled. I mean I found it very difficult to believe that anyone in this House would object to a resolution concerning "Women's History Week."

You may think it is funny.

Mr. BADHAM. Will the gentlewoman yield?

Ms. OAKAR. No. I want to finish my statement.

I want to read the resolution if I may, or part of it. This is by my friend, the gentlewoman from Maryland (Ms. MIKULSKI).

Whereas American woman of every race, class, and ethnic background helped found the Nation in countless recorded and unrecorded ways as servants, slaves, nurses, nuns—

Mr. FRENZEL. Mr. Speaker, regular order.

Mr. BADHAM. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentlewoman will suspend.

Regular order has been called for.

Mr. BADHAM. Mr. Speaker, I object.

The SPEAKER pro tempore. Is there objection to the title amendment on the resolution already approved?

Ms. OAKAR. Mr. Speaker, reserving the right to object, if they want regular order then they can call for it. I want to finish my statement.

The SPEAKER pro tempore. Regular order has been called for and the gentlewoman is not in order in bringing up the matter involving a prior resolution when we are considering a title amendment to this resolution.

Hearing no objection, the title amendment is agreed to.

There was no objection.

A motion to reconsider was laid on the table.

REQUEST TO CONSIDER S. 2398, AFRICAN DEVELOPMENT FUND DEVELOPMENT ACT AMENDMENTS

Mr. PATTERSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2398) to provide for increased participation by the United States in the African Development Fund and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

□ 2110

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. PATTERSON)?

Mr. WYLIE. Mr. Speaker, reserving the right to object, I will not object, I take this reservation in order that the gentleman from California may explain the bill.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from California.

Mr. PATTERSON. I thank the gentleman for yielding.

I would indicate to the gentleman and my colleagues here on the floor at this late hour, that this bill was passed by our subcommittee unanimously, 10 to 0. It was passed overwhelmingly by a voice vote in the full Committee on Banking, Finance and Urban Affairs.

The same bill we are now considering has also been passed by the Senate. President Reagan has sent a letter to all Members of the House, has written to the Speaker and minority leader in support of the legislation.

The legislation itself would provide for up to $50 million a year for 3 years for United States participation in the African Development Fund. The United States has participated in the African Development Fund since 1973. It is important that we continue our membership, both to our national security and to the African countries that are members.

This is a major priority of President Reagan. This is the first multilateral development negotiation completed by this President. We have been asked by the Secretary of State and the Secretary of Treasury to adopt the legislation.

We also have a rule from the Rules Committee. The only hurdle we have is simply the one of time on the floor.

I would ask my colleagues that might be concerned about the money spent, I would tell them two things. One, the money is in the President's budget. No. 2, that any conditions or any problems one might have with the adoption, this is the authorizing legislation and the appropriating legislation can follow this.

But if we do not adopt this tonight, we in effect will postpone 1 year's legislative work by the House and the Senate.

It is extremely important that we send the right signals to our friends in Africa, and to our foes as well.

It is, I believe, also a commendation to members of our subcommittee who will not be returning, Members on the other side of the aisle, and one Member on this side of the aisle, the gentleman from Ohio (Mr. STANTON), who is unable to be with us this evening, a strong supporter of this legislation and this bill. He said that he would be here if at all possible for him to be here.

Also supporting the bill is the ranking minority member, the gentleman from Delaware (Mr. EVANS), who was a great help in seeing this legislation through.

Mr. WYLIE. Further reserving the right to object, I would like to add my support to this legislation. As the gentleman from California has said, this is the first of the negotiated multilateral development banks, contributions to the replenishment fund by the new administration, the African Development Fund. And by contributing this modest amount to the poorest nations of the world, we are able to leverage substantial additional resources from other donors in this.

I think the United States has a growing stake in the Third World and in the developing countries of Africa in particular.

This is a reduction in the amount of the replenishment fund which we have contributed in the past from 16.5 percent to 14.6 percent. I think that we have a strategic reason for supporting this legislation tonight. Much of the aid goes to Egypt, Somalia, the Sudan, and Kenya, nations which have natural resources which we need.

So, Mr. Speaker, I would urge support of this bill.

Mrs. FENWICK. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. Further reserving the right to object, I yield to the gentlewoman from New Jersey.

Mrs. FENWICK. I thank the gentleman for yielding.

I am heartily in support of this. It is modeled very much as the Inter-American Fund is where the grants were $3,000, $8,000, $10,000. Every little thing is done in the villages to which they are most appropriate. It is a splendid idea.

I served on the committee. We studied this. We heard testimony on it. I do hope that it will be overwhelmingly adopted.

Mr. WYLIE. I thank the gentlewoman for her contribution.

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. I thank the gentleman for yielding.

Mr. Speaker, I think I can speak for all of the Republican members of the Foreign Operations Subcommittee and the Appropriations Committee. We are very familiar with this organization, support it wholeheartedly and hope there will be no objection.

Ms. OAKAR. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank the gentleman for yielding.

I want to commend my chairman and the ranking minority member of the Committee on Banking, Finance and Urban Affairs. I cannot think of a better way to assist countries than through these development banks. They are very often misunderstood by this Congress, and they are very often not supported. This is the kind of assistance that we should be giving. And I am very, very proud to associate myself with the previous speakers.

Mr. WYLIE. I thank the gentlewoman.

Mr. Speaker, further reserving the right to object, I would reiterate this is the first of the multilateral development bank replenishment funds that has been negotiated by the administration. I think it is a good bill. I ask the House to support the bill.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. PATTERSON)?

Mr. BROWN of Colorado. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. PATTERSON. Mr. Speaker, would the gentleman be so kind as to reserve an objection?

Mr. BROWN of Colorado. Reserving the right to object, Mr. Speaker, I would be happy to comply with the request of the gentleman from California.

Mr. PATTERSON. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from California.

Mr. PATTERSON. I thank the gentleman for yielding.

Mr. Speaker, we had this go-round once before. It does only take one Member to object. Therefore, the gentleman holds in his power, in his hands, a very great power tonight. I respect the gentleman for that. I know that sometimes one simply cannot, for one reason or another, do anything other than but object.

But I tell the gentleman this is not spending any money at this time. There will have to be another bill in the next Congress to appropriate the funds. This is the authorizing legislation. If we do not pass it in the 97th Congress, is it unlikely we will not it for 6 months.

The gentleman's President and mine has strongly urged the adoption of it. We will be sending entirely the wrong signals. I plead with the gentleman from the bottom of my heart as an American, as a Democrat, and the gentleman as a Republican, please do not object.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself with the plea of the gentleman from California and just indicate that we ought to divide the process up, which is highly objectionable. The process of bringing up these important issues in the waning moments of an exhausting Congress is really wrong. And I concede that. But over and above that, there is the substance of these resolutions, some of which, not all—some of which are very important. And this is one that our President wants, the administration wants, that has enormous foreign policy implications—whether or not we are going to play a role in Africa, one of the most important areas of the world, where we have enormous interests in the people over there, in the politics over there, in the economy over there, in access to raw materials, in creating markets.

The foreign policy implications of this say that we, the United States, are turning our back on an enormously important part of the world.

I join my colleague in objecting to this process. It is pitiful. But the overweaning, the overarching importance of the substance of this would compel me to plead with the gentleman also to subordinate his natural instinct in which I share to object to the process and to yield to the importance of the substance of this authorizing legislation.

Mr. BROWN of Colorado. I thank the gentleman for his remarks. I might say to the gentleman from California, as well as my other colleagues who have pointed out the very fine benefits that can flow from this, that I do see it as something that will lead to significant expenditures. That at least in my mind I have to weigh against that the almost overwhelming crushing burden of what I consider to be almost a $200 billion deficit that our country faces.

The prospect of our not being able to meet social security checks that may be paid out, assistance to our elderly, lunches to our schoolchildren, it seems to me to place the priority of the African Development Bank above the urgent needs of the poor of our country is a mistake, and I do object.

Mr. HYDE. Would the gentleman let us impose for 30 more seconds on his good nature and just reserve for a moment and yield to me for just one more try?

Mr. BROWN of Colorado. I am not sure my nature would be described as good. But I appreciate the gentleman's comment. I reserve the right to object and I yield to my colleague.

Mr. HYDE. Mr. Speaker, when it comes to jobs, when it comes to the industry in this country, which the gentleman well mentioned, there are so many elements—chrome, bauxite, cobalt, titanium, minerals that we need, that we do not have, but we get from Africa, to keep our jobs, to keep our factories going, to keep us producing aircraft, which is the one thing we still produce best of all, the light weight steel, we need the minerals of Africa. We need Africa really more than they need us.

Now, when the gentleman talks about money, we are talking $50 million. They drop that on the floor at the Bureau of Printing and Engraving in a year.

The implications are so important.

May I make this plea to the gentleman.

This is just authorization. It is not appropriation. When we get to the appropriation, I would hope that the gentleman would sit down, and we will get a chart and find out whether we get more back than we are giving. And if we do not, I will join the gentleman in objecting to the appropriation.

□ 2120

Mr. WYLIE. Mr. Speaker, will the gentleman yield on that point?

Mr. BROWN of Colorado. I am glad to yield.

Mr. WYLIE. This item is already in the budget, may I respectfully say to the gentleman from Illinois, and has already been included in the continuing appropriation bill which has passed this House. The money has already been made available, may I say, and what we are doing here tonight is authorizing the use of that money which is already there.

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman to me?

Mr. BROWN of Colorado. I am glad to yield to my colleague, the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I thank the gentleman for yielding.

I think my colleagues know that probably nobody in this House has been more outspoken than I have been in trying to cut down on our participation in multilateral lenging institutions.

I think there are lots of places where we need to make changes in our support of international lending institutions.

I can say to the gentleman that I support this institution, this fund, wholeheartedly. Other people on the subcommittee, the Foreign Appropriations Subcommittee, like the gentleman from New York, JACK KEMP, who have also been critical of some of the aspects of our foreign policy, strongly feel that we need this fund. It does us much good. It helps our foreign policy tremendously by being in it. It helps us in terms of pursuing our security interests in foreign policy.

I know how the gentleman feels, but I would hope that the gentleman will withdraw his reservation.

Mr. PATTERSON. Mr. Speaker, would the gentleman yield just one more time?

Mr. BROWN of Colorado. I am glad to yield to my colleague.

Mr. PATTERSON. Mr. Speaker, for every $1 spent in this fund, the United States receives back $1.10; and yet I am as concerned about jobs as the gentleman is, but that is the statistical fact, that we actually get back more to this country in terms of dollars, not to mention what my good colleagues on that side of the aisle have also indicated in terms of national security and strategic metals.

There will be another time to vote on this.

I would say on my behalf, I tried to get this to the floor. I really did. I know we have the votes for it and I am

sorry it has to be this way; but we were unable to get it scheduled. We got bumped once when we were scheduled on the floor.

We have not held back. I have pressed to try to bring this to the floor and I assure the gentleman I will continue to do that.

Mr. MITCHELL of Maryland. Mr. Speaker, will the gentleman yield just briefly to me under his reservation?

Mr. BROWN of Colorado. I yield to the gentleman from Maryland.

Mr. MITCHELL of Maryland. Mr. Speaker, I serve on the Banking, Finance and Urban Affairs Committee. When I got on that committee, we had made a commitment under the Nixon administration to participate in the African Development Bank, not the fund, and for 10 years we never lived up to that commitment. That was when relationships became awfully strained between the African nations and our country.

Fortunately, that was turned around and America has participated in the bank and has done very well and the relationships have changed.

It just seems to me that in this time of such delicate international relations, if we would in any way give any signal to the African Development Fund, not the bank, that we were no longer interested or that we wanted to play around in terms of other considerations, when we deal with such a piddling sum, one-third of what is in the Asian Development Bank, it would just seem to me to be a terribly dangerous thing to do and I join with my colleagues in pleading with the gentleman not to object to this.

I thank the gentleman for yielding to me under his reservation.

Mr. WYLIE. Mr. Speaker, will the gentleman yield just one more time? I hope that we have persuaded the gentleman by this point that he should not object.

Mr. BROWN of Colorado. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Ohio.

Mr. WYLIE. The gentleman made the point a little while ago that we should not increase the deficit in the budget, that we should pass laws which would reduce the deficit and by adding to the deficit in this manner, that we are taking away from other worthwhile programs.

Does it help the gentleman at all if I suggest to the gentleman that this will not add to the deficit which has already been appropriated or already in the budget; that the money has already been appropriated for this purpose and what we are really doing is authorizing the use of money that has already been appropriated.

Mr. BROWN of Colorado. Would it be fair to say that if we do not pass this tonight, that we have an opportunity of saving that $50 million?

Mr. WYLIE. Well, let me say that eventually we will pass this bill, I say to the gentleman from Colorado. I would say that if it is not done tonight, that it will be done.

It is not a matter of saving the $50 million, as has been explained earlier. I think we are making money for our Government by passing this bill and authorizing the use of this money which has already been appropriated and I want to make that distinction. It is not the fact that we are first authorizing and then later on we have to come back and appropriate the money which would add to the deficit. It has already been appropriated. It is included in the budget.

Mr. BROWN of Colorado. Mr. Speaker, let me just summarize very quickly. I find the comments of my colleagues very eloquent and very persuasive in many ways.

I think the dilemma that our country finds itself in at this time is that we have many good causes. This certainly is one good cause among many; but we as a country have been unwilling and unable to say no to those good causes. Much of the cause, certainly not all, but much of the cause of the dilemma we now face is our inability to say no to those good causes, to set priorities.

I must say to this body for me personally, the needs of our poor in this country come far higher than the cause that we have discussed tonight.

Mr. Speaker, while this is a good cause, I do object.

The SPEAKER pro tempore. Objection is heard.

REQUEST TO CONSIDER HOUSE JOINT RESOLUTION 460, DESIGNATING WEEK BEGINNING MARCH 6, 1983, AS "WOMEN'S HISTORY WEEK"

Mr. BADHAM. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the joint resolution (H.J. Res. 460) designating the week beginning March 6, 1983, as "Women's History Week," and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. BADHAM)?

Mr. CAMPBELL. Mr. Speaker, I reserve the right to object.

Mr. GARCIA. Mr. Speaker, I reserve the right to object.

The SPEAKER pro tempore. The gentleman form South Carolina (Mr. CAMPBELL) reserves the right to object.

Mr. CAMPBELL. Mr. Speaker, I reserve the right to object to this piece of legislation, which I happen to think is most meritorious.

I reserve the right, however, to enter into a colloquy with the gentleman from California as to the motivation behind his earlier objection.

I yield to the gentleman from California.

Mr. BADHAM. Mr. Speaker, I thank the gentleman and my good friend for yielding.

I previously objected to the bringing up of this resolution at this time, not because of the content of the resolution but because of the mechanics by which we have been bringing up pieces of legislation that have been sitting around this House for month upon month.

I sought this one not in any attitude of discrimination, but I picked this one because it was one that was typical, having been introduced some 8 months ago in front of this body.

We have had now in these hours some resolutions on National Garden Week, Women's History Week, Bicentennial Air and Space Flight, and American Indian Day, which was a year off as it started out; Tricentennial Anniversary of German Settlement in America, something of which I am very sensitive, and so forth; but, Mr. Speaker, and I thank the gentleman for yielding on his reservation, I think that it is time that the attention of this body be called to what it is that we are doing here. We are serving no purpose here this evening. This is not even, if the gentleman will continue to yield, this is not even filler. This is nonsense and when we start to ask to have an historian or a PR agent for the House of Representatives.

To make this sow's ear into a silk purse, I think it is time to object.

I have no particular preference whatsoever. I happen to be very fond of women in history, women in general, and I would certainly not do anything to object to the furtherence of the cause of women in our country.

□ 2130

But I think, ladies and gentlemen of this body, that it is time that we recognized the fact that we are here and we should not be here. We should have concluded the business of this House months ago and we should have concluded the business of this so that we can get on to the business of the United States of America and not be messing around.

Mr. CAMPBELL. Mr. Speaker, further reserving the right to object, and I shall not object, and I do not want to belabor this because I know the hour is late, I do not think we ought to have any more discussion.

I think this is a good piece of legislation. I look for it to pass.

I would say this: It would be my intention to object to any other unanimous-consent requests.

89-059 O-86-35 (Pt. 23)

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California (Mr. BADHAM)?

Mr. GARCIA. Mr. Speaker, reserving the right to object, as the chairman of the subcommittee which is responsible for commemorative resolutions, I believe we have tried to be very fair to both sides of the aisle. Members from both sides come to our committee and ask us if we would be kind enough to help them with commemorative legislation for their district, and we try to accommodate them.

However, I am going to object because this bill was previously objected to by the gentleman from California. The prerogative of this chair and this committee belongs to the Committee on Post Office and Civil Service, and until such time as we go through the proper channels, I will object to this legislation.

The SPEAKER pro tempore. Objection is heard.

FEDERAL CHARTER FOR FORMER MEMBERS OF CONGRESS

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 7423) to recognize the organization known as Former Members of Congress, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, H.R. 7423 confers a charter on a club known as the Former Members of Congress. It costs the Government nothing and has already passed the House of Representatives earlier in the year.

Every person who once served in the U.S. Congress is eligible for membership. In view of the work of this organization in civic, patriotic, and charitable endeavors, the honorary recognition we give them through this Federal charter is deserving.

Mr. SAM B. HALL, JR. Mr. Speaker, will the gentleman yield?

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

Mr. SAM B. HALL, JR. Mr. Speaker, this bill is identical to H.R. 4755, a bill which passed the House on October 26, 1981, on suspension. This is not a controversial bill. It was passed by the Senate with a nongermane amendment on December 13, 1982. The House has passed legislation which disposed of the Senate amendment, so we have no reason to believe that the Senate will have any problem with this bill.

This bill grants a Federal charter to the organization known as the Former Members of Congress, an organization open to all former Members. It is a national, nonprofit, educational, civic, historical, and research organization which has been chartered in the District of Columbia since 1970. It is a great organization, worthy of recognition.

This bill comports with the standard language the Judiciary Committee has developed for Federal charters. It contains the standard proscriptions and rigid reporting requirements.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. MOORHEAD. Further reserving the right to object, I yield to the gentleman from Illinois.

Mr. Speaker, as a member of the graduating class of 1982, I can speak with more than passing interest about an organization known as the Former Members of Congress. It gives an opportunity for every former Member, from both sides of the aisle, to continue public service. This nonprofit, educational, civic, historical, and research corporation is chartered in the District of Columbia. The assets of this corporation consist solely of human capital in terms of wisdom, experience, and judgment. While in the past those who left office went their separate ways, only to have their valuable experience lost to history. With the Former Members organization this resource is captured, protected, and advanced.

From an institutional standpoint the U.S. Congress is viewed with increasing cynicism. Allegations run high about self-interest before public interest, chaos over cooperation, and expedience over careful consideration. It would seem that in reading the daily newspapers that divisiveness, hostility, and suspicion rule our actions. If for no other reason then, I support the Former Members of Congress because of its efforts to promote an understanding of the U.S. Congress as a supremely human institution. Office seekers by their very nature like people and want to help in solving their problems. Former Members draw attention to congressional successes and help to correct it shortcomings.

In its crusade to uplift the institutional status of the U.S. Congress the former Members have focused on the youth of America in the schools and universities so that students can meet and talk with their former leaders face to face. In the long run the endeavors of the former Members will help restore the dignity and respect of the congress as the foremost institution of American Government

Mr. MAZZOLI. Mr. Speaker, will the gentleman yield to me on his reservation?

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Speaker, I, of course, have no intention of objecting to the offering of the bill of my friend, the gentleman from Texas.

This is a good bill, but I just take this moment to suggest to the Members of the House and those watching on television that I apologize that we are so late in the night and we have still not reached the time when we will resolve ourselves into the Committee of the Whole House for the consideration of the immigration bill.

I appreciate the fact that this is late. I also appreciate the fact that our bill is a very important bill. I would ask their indulgence. I can assure them that those of us who control the time in the general debate will be yielding back great bulks of it so there will not be much time taken during the remainder of the debate.

I do understand that there is perhaps a decision to make a motion on going into the Committee of the Whole, a recorded vote on going into the Committee. However, I would hope the Members, our colleagues, would give your Committee on the Judiciary a chance to complete its general debate and then come back tomorrow for the 5-minute rule.

Mr. MOORHEAD. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 7423

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

CHARTER

SECTION 1. Former Members of Congress, organized and incorporated under the Nonprofit Corporation Act of the District of Columbia, is hereby recognized as such and is granted a charter.

POWERS

SEC. 2. Former Members of Congress (hereinafter referred to as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State or States in which it is incorporated and subject to the laws of such State or States.

OBJECTS AND PURPOSES OF CORPORATION

SEC. 3. The objects and purposes of the corporation are those provided in its articles of incorporation and shall include the promotion of the cause of good government at the national level by improving the public understanding of the United States Congress as an institution and strengthening its support by the public. The corporation shall function as an educational, patriotic, civic, historical, and research organization as authorized by the laws of the State or States wherein it is incorporated.

SERVICE OF PROCESS

SEC. 4. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

MEMBERSHIP

SEC. 5. Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES

SEC. 6. The board of directors of the corporation and the responsibilities thereof shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State or States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 7. The officers of the corporation, and the election of such officers shall be as is provided in the articles of incorporation of the corporation and in conformity with the laws of the States or States wherein it is incorporated.

RESTRICTIONS

SEC. 8. (a) No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of this charter. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) The corporation and any officer and director of the corporation, acting as such officer or director, shall not contribute to, support or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

LIABILITY

SEC. 9. The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

BOOKS AND RECORDS; INSPECTION

SEC. 10. The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors. The corporation shall keep at its principal office a record of the names and addresses of all members having the right of vote. All books and records of such corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time. Nothing in this section shall be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS

SEC. 11. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by adding at the end thereof the following:

"(59) Former Members of Congress.".

ANNUAL REPORT

SEC. 12. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such annual report shall be submitted at the same time as is the report of the audit required by section 11 of this Act. The report shall not be printed as a public document.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 13. The right to alter, amend, or repeal this Act is expressly reserved to the Congress.

DEFINITION OF "STATE"

SEC. 14. For purposes of this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

TAX-EXEMPT STATUS

SEC. 15. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code. If the corporation fails to maintain such status, the charter granted hereby shall expire.

TERMINATION

SEC. 16. If the corporation shall fail to comply with any of the restrictions or provisions of this Act the charter granted hereby shall expire.

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that the bill may be considered as read and printed in the RECORD.

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

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAM B. HALL, JR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

CONFERENCE REPORT ON H.R. 6946, FALSE IDENTIFICATION CRIME CONTROL ACT OF 1982

Mr. HUGHES. Mr. Speaker, I call up the conference report on the bill (H.R. 6946) to amend title 18 of the United States Code to provide penalties for certain false identification related crimes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. HYDE. Mr. Speaker, reserving the right to object, and I certainly will not object because this is very important legislation, but I yield to the chairman of the subcommittee, the gentleman from New Jersey (Mr. HUGHES) for an explanation.

Mr. HUGHES. I thank the gentleman for yielding.

Mr. Speaker, H.R. 6946, the False Identification Crime Control Act of 1982 (H. Rept. 97-802) passed the House on September 14. On October 1, The Senate passed the bill with several amendments to add additional offenses and to make technical corrections.

The conference report represents the culmination of many years of labor on this issue. In 1974 the Federal Advisory Committee on False Identification began to examine the full extent of this problem. Their report in 1976 found that false identification is a major factor facilitating drug smuggling, illegal immigration, flight from justice, frauds against government and business and the movement of terrorists. The estimated burden of losses was then estimated to be $16 billion per year.

This bill takes several important steps toward stemming this problem. Primarily, the bill makes it a Federal offense to counterfeit or to transfer counterfeit or stolen identification documents that have been issued by Federal, State, and local government. The counterfeiting of official driver's licenses and birth certificates would be a Federal offense and plugs a loophole not covered by the various States.

The conference report differs from the House bill by providing that the possession of stolen or false identification documents that have been or appear to have been issued by the United States would be an offense if the possessor knows that the document was stolen or counterfeit.

The conference report also includes a provision that will have a salutary effect on the problem of drunken driving and underage drinking. The conference report would make it a misdemeanor for a person in the business of selling private identification documents to send through the mail or in interstate commerce, an ID that carries a birth date that does not bear a clearly imprinted disclaimer that it is "not a government document." This will make it much easier for sellers of alcoholic beverages to avoid being fooled by unfamiliar, unofficial identification.

I want to congratulate our colleague HENRY HYDE who has diligently and capably worked on this issue for many years. He has sponsored legislation in three Congresses and testified before the Subcommittee on Crime and the Senate Judiciary Committee to urge enactment of this legislation.

Mr. Speaker, I also want to congratulate the ranking minority

member of our subcommittee, the gentleman from Michigan, HAL SAWYER, who also worked tirelessly on this bill, as well as the ranking minority member of the full Committee on the Judiciary, the gentleman from Illinois, BOB MCCLORY, and our colleague, the gentleman from New Jersey, PETER RODINO, for his work on the legislation.

Mr. HYDE. Mr. Speaker, further reserving the right to object, I rise in strong support of the conference report on H.R. 6946, the False Identification Crime Control Act of 1982. This bill represents the culmination of the efforts of myself and others who have been concerned about the staggering numbers of false identification cards which are sold and used for illegal purposes. I want to commend the gentlemen from New Jersey (Mr. HUGHES), the chairman of the subcommittee, and the ranking Republican, the gentleman from Michigan (Mr. SAWYER) for their devotion to this project. As a result of our combined efforts, this important legislation has at long last seen the light of day.

As my colleagues are aware, this legislation had its inception with a Justice Department report issued 6 years ago. The Federal Advisory Committee on False Identification, after a thorough investigation, documented a flood of false identification documents used in this country to facilitate criminal activities of all sorts, including terrorism, organized crime, and illegal immigration. The committee outlined the classic "paper trip" whereby a certified copy of the birth certificate of a deceased person is used as a "breeder document" to acquire a driver's license, social security card, and other documents, thus providing the evidence to support the creation of a new identity.

Since the FACFI Report was issued, the problems it identified have worsened in light of the increased number of illegal aliens, international terrorists and drug-smuggling rings in recent years, Federal authorities have discovered that false indentification is a common device used by currency counterfeiters and firearms smugglers. Furthermore, it enables young people to circumvent the laws establishing minimum drinking ages. The consequences have been devastating in terms of young lives lost at the hands of drunk drivers.

H.R. 6946 addresses the clear Federal interest in this area by making it an offense to produce false identification documents, transfer such documents, to possess them under certain circumstances such as with an intent to use them unlawfully or to defraud the United States. The punishment for the production or transfer of the most useful documents, such as Federal ID's and State driver's licenses are substantial in the hopes that they will deter those who seek to profit from this scandalous business. I believe that this legislation will have a substantial adverse impact on the proliferation of false identification documents in this country and, as a result, it will make it more difficult for underage drinkers, terrorists, and drug traffickers to violate the law.

Mr. Speaker, as the primary proponent of false identification legislation during the last three Congresses, I want to express my sincere appreciation to several people who have been instrumental in bringing this legislation to the floor today. Of course, as I have mentioned, the chairman and ranking Republican on the subcommittee have provided great leadership and direction on this issue. The subcommittee staff, including Hayden Gregory, Eric Sterling, and Deborah Owen, have worked long and hard on this matter as well. Fran Westner of my office has been tireless in her efforts over the last 6 years to generate support for this much needed bill. Special thanks are due Francis Knight, former director of the Passport Division, who first brought the need for this legislation to my attention over 5 years ago.

Mr. Speaker, again I urge my colleagues to vote in favor of this important conference report.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the statement of the managers be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Clerk read the statement.

(For conference report and statement see prior proceedings of the House today.)

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

□ 2140

IMMIGRATION REFORM AND CONTROL ACT OF 1982

Mr. MAZZOLI. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 7357) to revise and reform the Immigration and Nationality Act, and for other purposes.

The SPEAKER pro temp. The question is on the motion offered by the gentleman from Kentucky (Mr. MAZZOLI).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LUJAN. 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.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 148, nays 113, not voting 172, as follows:

[Roll No. 480]

YEAS—148

Akaka	Gaydos	Minish
Albosta	Gejdenson	Mitchell (MD)
Alexander	Gibbons	Moorhead
Andrews	Gilman	Murtha
Anthony	Gingrich	Natcher
Barnard	Glickman	Nowak
Barnes	Gore	Oberstar
Bedell	Gregg	Obey
Bennett	Guarini	Panetta
Bereuter	Gunderson	Parris
Bevill	Hall, Ralph	Pease
Boggs	Hall, Sam	Pepper
Boner	Hamilton	Perkins
Brinkley	Harkin	Petri
Butler	Howard	Porter
Carney	Hoyer	Rahall
Cheney	Hubbard	Rangel
Clinger	Hughes	Regula
Conable	Hutto	Rinaldo
Conte	Hyde	Rodino
Corcoran	Jeffords	Roemer
Coughlin	Jenkins	Roukema
Coyne, William	Jones (OK)	Sabo
Crane, Daniel	Kastenmeier	Sawyer
Daniel, R. W.	Kennelly	Scheuer
Daschle	Kildee	Schumer
Daub	Kindness	Shamansky
Derwinski	Lagomarsino	Sharp
Dicks	Latta	Shaw
Dingell	Levitas	Simon
Donnelly	Lewis	Smith (IA)
Dougherty	Livingston	Snowe
Dowdy	Lott	Snyder
Downey	Lowery (CA)	Solarz
Dreier	Lowry (WA)	Stratton
Dwyer	Lungren	Studds
Dyson	Madigan	Tauke
Eckart	Martin (IL)	Vento
Edwards (AL)	Mavroules	Volkmer
Edwards (CA)	Mazzoli	Wampler
Erlenborn	McClory	Watkins
Fary	McCollum	White
Fenwick	McCurdy	Whitley
Fish	McEwen	Wilson
Flippo	McGrath	Wolpe
Foglietta	McHugh	Wyden
Ford (MI)	Mica	Wylie
Fowler	Michel	Zablocki
Frenzel	Miller (CA)	
Frost	Miller (OH)	

NAYS—113

Anderson	Archer	Aspin

AuCoin
Badham
Bailey (MO)
Benedict
Bliley
Bouquard
Bowen
Brooks
Brown (CA)
Brown (CO)
Broyhill
Burton, Phillip
Byron
Campbell
Chappell
Clay
Coelho
Coleman
Conyers
Courter
Craig
Daniel, Dan
Dannemeyer
de la Garza
Dellums
Dickinson
Dixon
Dornan
Duncan
Edgar
Edwards (OK)
Emerson
English
Erdahl
Evans (IA)
Evans (IN)
Fazio
Fiedler
Fithian
Ford (TN)
Fountain
Garcia
Ginn
Gonzalez
Goodling
Gramm
Gray
Hall (IN)
Hammerschmidt
Hance
Hansen (ID)
Hansen (UT)
Hartnett
Hatcher
Heckler
Hightower
Hopkins
Huckaby
Hunter
Jones (TN)
Kazen
Kogovsek
Kramer
Leath
LeBoutillier
Leland
Loeffler
Lujan
Marlenee
Marriott
Martin (NY)
Martinez
Matsui
McDonald
Molinari
Mollohan
Montgomery
Morrison
Murphy
Myers
Nelligan
Oakar
Patman
Patterson
Paul
Quillen
Roberts (KS)
Robinson
Roth
Roybal
Sensenbrenner
Shelby
Shumway
Siljander
Skeen
Smith (NE)
Smith (NJ)
Smith (OR)
Solomon
Spence
St Germain
Staton
Stenholm
Stump
Taylor
Thomas
Walker
Weber (OH)
Wolf
Young (MO)

NOT VOTING—172

Addabbo
Annunzio
Applegate
Ashbrook
Atkinson
Bafalis
Bailey (PA)
Beard
Beilenson
Bethune
Biaggi
Bingham
Blanchard
Boland
Bolling
Bonior
Bonker
Breaux
Brodhead
Broomfield
Brown (OH)
Burgener
Burton, John
Carman
Chappie
Chisholm
Clausen
Coats
Collins (IL)
Collins (TX)
Coyne, James
Crane, Philip
Crockett
D'Amours
Davis
Deckard
DeNardis
Derrick
Dorgan
Dunn
Dymally
Early
Emery
Ertel
Evans (DE)
Evans (GA)
Fascell
Ferraro
Fields
Findley
Florio
Foley
Forsythe
Frank
Fuqua
Gephardt
Goldwater
Gradison
Green
Grisham
Hagedorn
Hall (OH)
Hawkins
Hefner
Heftel
Hendon
Hertel
Hiler
Hillis
Holland
Hollenbeck
Holt
Horton
Ireland
Jacobs
Jeffries
Johnston
Jones (NC)
Kemp
LaFalce
Lantos
Leach
Lee
Lehman
Lent
Long (LA)
Long (MD)
Luken
Lundine
Markey
Marks
Martin (NC)
Mattox
McCloskey
McDade
McKinney
Mikulski
Mineta
Mitchell (NY)
Moakley
Moffett
Moore
Mottl
Napier
Neal
Nelson
Nichols
O'Brien
Ottinger
Oxley
Pashayan
Peyser
Pickle
Price
Pritchard
Pursell
Railsback
Ratchford
Reuss
Rhodes
Ritter
Roberts (SD)
Roe
Rogers
Rose
Rosenthal
Rostenkowski
Rousselot
Rudd
Russo
Santini
Savage
Schneider
Schroeder
Schulze
Seiberling
Shannon
Shuster
Skelton
Smith (AL)
Smith (PA)
Stangeland
Stanton
Stark
Stokes
Swift
Synar
Tauzin
Traxler
Trible
Udall
Vander Jagt
Walgren
Washington
Waxman
Weaver
Weber (MN)
Weiss
Whitehurst
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wortley
Wright
Yates
Yatron
Young (AK)
Young (FL)
Zeferetti

□ 2150

Messrs. ALBOSTA, FORD of Michigan, MICHEL, WILSON, MADIGAN, RANGEL, ANDREWS, DREIER, RALPH M. HALL, ECKART, McCURDY, LAGOMARSINO, MAVROULES, McGRATH, and VOLKMER changed their votes from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

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. 7357, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

□ 2200

The CHAIRMAN. When the Committee of the Whole rose on Thursday, December 16, 1982, the gentleman from New Jersey (Mr. RODINO) had 30 minutes of general debate remaining, the gentleman from New York (Mr. FISH) had 34 minutes of general debate remaining, the gentleman from California (Mr. MILLER) had 30 minutes of general debate remaining; the gentleman from Illinois (Mr. ERLENBORN) 1had 30 minutes of general debate remaining; the gentleman from Texas (Mr. DE LA GARZA) had 30 minutes of general debate remaining, and the gentleman from Virginia (Mr. WAMPLER) had 30 minutes of general debate remaining.

The Chair recognizes the gentleman from New Jersey.

Mr. RODINO. Mr. chairman, I yield 6 minutes to the gentleman from Kentucky Mr. MAZZOLI) chairman of the subcommittee.

Mr. MAZZOLI. Mr Chairman, I thank the Members very much for their attendance and attention. We began the first half of this debate last night and we will continue and complete our debate tonight.

Those of you who were here or who watched know that last night's debate was an interesting one in which we got into the substance of our bill and also into the background of it, the reason it is here today.

The substance of our bill we will tald about tonight both in direct statement and in answering questions. But let me talk about the background.

The reason that we are here tonight and the reason that I really thank all of you for your indulgence and patience after is because we have a tremendous problem. It is not just a U.S. problem. It is not just a hemispheric problem. This is a worldwide problem.

As Father Theadore M. Hesburgh, who chaired the Select Commission on Immigration Reform, whose report provides the undergirding for the bill before us tonight, has said, one of the great problems in the entire world is the migration of people: The movement, the comings, the goings, the ebbs and the flows of human beings.

To deal with that question of migration and movement in a sensitive, humane, decent, and moral way is a very great challenge.

I cannot say that in every single component part our bill measures up to that standard of perfection that we want from the Judiciary Committee and we want in the House of Representatives. But I can stand before you, my colleagues in the House of Representatives, and say that this bill, though it has its imperfections, many of which we hope to work with and improve in the course of this markup beginning tomorrow, is the least imperfect bill that I believe, and our colleagues on the Judiciary Committee believe, could be produced.

It is the product of years of work. The gentleman from New Jersey, our distinguished full committee chairman, has been and is, of course, the renowned expert in the field of immigration, and his record in this field goes back for decades.

We have, starting with the administration of President Nixon right through the administration of President Reagan, support from the White House in behalf of immigration reform.

But what really triggered where we are tonight and the Simpson-Mazzoli immigration bill is the work done by the Commission headed by Father Hesburgh.

That Commission made many recommendations which we will talk about tonight. But essentially it was the product of two full years of work. It was the product of hearings around the country. It was upon that report issued in the spring of 1981 that we began our work.

Our bill before you is a balance, it is a compromise. It does say that you have to have employer sanctions in order to curtail the flow of undocumated people by eliminating the jobs. It does say that you have a responsibility to legalize many of the people who are here, who have taken these jobs.

It does say that you need to change the adjudication process so that those people who are seeking asylum and refuge can have their cases adjudicated more fairly.

It does say that you have to have a package which includes temporary workers in order to supply the flow of workers for jobs Americans do not want or cannot do.

In short, it is a component package, a multifold bill. It is a bill which is the joint product of the committee I am proud to chair with great help from people like my friend from New York, Mr. FISH, my friend from California, Mr. LUNGREN, my friend from Florida,

Mr. McCOLLUM, my friend from Massachusetts, Mr. FRANK, my friend from Texas, Mr. HALL, my friend from Michigan, Judge Crockett. These individuals have worked long and hard on that bill and I would expect only that the House give it its careful attention.

I would fully expect that many amendments will be offered and that some will be adopted. I hope most will be rejected.

What survives that process, that scrutiny, is the bill that the House ought to then send to the other body, which has already passed earlier this year a version of the Immigration Reform Act.

I hope that at some point, despite the lateness of the hour, that we might be able to merge the two bills and send back for ratification to the two bodies a bill which is a good, solid, sensitive bill.

I think we have that opportunity. That is why I thank all of you for your kind indulgence and for your patience and for being here at this late hour.

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

Mr. MAZZOLI. I am delighted to yield to the gentleman from Michigan.

Mr. CONYERS. I have one question, sir. It was raised last night.

Is there something about this legislation that it can only be brought up after 10 o'clock for debate on the floor?

Mr. MAZZOLI. I would say to the gentleman that I asked the same question of the leadership. This is a very important bill.

I can only say that the gentleman from Kentucky begged and pleaded and did everything in his power to urge the leadership to bring the bill up, not just earlier today or earlier yesterday, but last week or the week before in an effort to give this House the most abundant amount of time left in the lameduck session.

Mr. CONYERS. Will it come up at 10 o'clock tommorrow night?

Mr. MAZZOLI. The gentleman from Kentucky has been thwarted in his efforts. So the gentleman from Kentucky is forced to take this time slot, despite the fact that it is a very difficult time for him and the gentleman.

Mr. CONYERS. What time tomorrow will it come up?

Mr. MAZZOLI. The gentleman from Kentucky is informed that, according to the schedule of the House, that the bill will be taken up in the daylight hours tomorrow.

Mr. CONYERS. I thank the gentleman.

Mr. MARTIN of New York. Mr. Chairman, will the gentleman yield?

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

Mr. MARTIN of New York. I appreciate the gentleman yielding to me.

I voted in the negative on going into Committee and it is certainly no disrespect for the gentleman or for his legislation.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. MAZZOLI) has expired.

Mr. FISH. Mr. Chairman, I yield the gentleman from Kentucky (Mr. MAZZOLI) 1 additional minute.

□ 2210

Mr. MARTIN of New York. Mr. Chairman, will the gentleman yield?

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

Mr. MARTIN of New York. Quite to the contrary I want to salute the gentleman from Kentucky for his work. I know it must be frustrating to find as hard as the gentleman has worked on this bill, and his colleagues, to find it can only be debated this hour of the night.

The way the gentleman conducted himself, and the gentleman's tenacity, is not only a credit to the gentleman and Kentucky, but to the University of Notre Dame. And whether anyone votes for or against this piece of legislation, I would certainly hope that the gentleman pays the proper attention to this legislation.

It is only fitting, as hard as the gentleman has worked on this. I salute the gentleman for it.

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

The gentleman from Kentucky has worked hard. But so have many other people. If this bill is to succeed or fail, it is not because this gentleman has worked hard, or because others have done so. It is because it is a good bill. If it is not a good bill it should not survive. If it is, it should survive.

In my heart I think it is a good bill, and it ought to survive.

Mr. FISH. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. PORTER).

Mr. PORTER. Mr. Chairman, I rise in support of the bill.

Mr. Chairman, the statue presented to our country in 1886 as a belated bicentennial anniversary gift from the people of France has been the symbol of our country for close to 100 years. The words penned by Emma Lazarus and carved into that statue have set the tone for what was our young and developing Nation. Those same words have made it both difficult and necessary to discuss the legislation before us today, H.R. 6514, the Immigration Reform and Control Act of 1982.

The idealism represented by our Statue of Liberty makes it exceedingly difficult to admit that the time has arrived when we can no longer afford to be the golden door to whomever wishes to share in the liberty and comparative wealth with which America has been blessed. The better part of the first 200 years of our Nation's history was marked by a vast frontier, virtually unlimited resources, and the promise of new found opportunity. Today, the frontier is no more. We are dependent on importing the vast majority of our essential raw materials, and those coming here illegally are, more often than not, subjected to unconscionable exploitation. We have become increasingly calloused toward the problems of modern day society—its crime, pollution, overcrowding and poverty, not to mention others. The fact is, however, that these are very real problems that have arisen—and remain unresolved—in a nation that currently supports a population of just over 232 million. It is frightening to imagine the United States in 2030, without decisive action now, with a projected population of more than 300 million people. Today's problems would undoubtedly pale in comparison.

We have been fortunate in the past to be able to expand and develop according to our will. The quality of our Nation's future and the preservation of the principles on which it was founded, however, now rest on our ability to plan for the long range.

The legislation before us today, which represents the first complete revision of U.S. immigration law in 30 years, is a product of years of work on this growing problem. Its most important provision is based on the conclusion that economics are in large part the key to our country's attraction and that adequate enforcement of immigration laws cannot possibly be achieved without greatly reducing the temptation to illegal emigration presented by employment in the United States. The provision would make unlawful the knowing hiring of illegal aliens and provide a system that enables employers to verify that job applicants are American citizens or illegal aliens—legally employable or not.

Although I acknowledge the necessity of contructing a system which would enable employers to distinguish between legal and illegal individuals, I am terribly concerned that whatever system is implemented not infringe on the individual freedom that we hold so dear. The issuance of a "national identification card" is not only anathema to our country's tradition, but reminscent of regimes that we have seen fit to denounce and even go to war against over the years. In this vein, I was relieved to note the House Judiciary Committee's addition to the subsection requiring the President to consider several options for the establishment of a secur verification system which "provides that this subsection not be construed as authorizing the issuance or use of a national identity card." I would caution the administration to absolute adherence to this principle.

Another provision over which I have grave concern is that which would

extend amnesty to illegal aliens. I have carefully considered the inherent practicality cited behind this provision: To use the Immigration and Naturalization Service's limited enforcement resources effectively, allow employers to continue to hire lawfully from this pool of labor, and eliminate the formation of an illegal subclass throughout our society. In the meantime, however, I have become all the more convinced that legalization of those who are in this country in definance of our laws would be the worst thing we could ever do. The precedent it would set would not only be irreversible, but it might well serve to undermine the very goals this legislation seeks to achieve. Nor is it without weight to consider the huge burden millions of illegals coming out of the closet would place on our social institutions. There are very few who would not agree that the reform of our country's immigration system is necessary and long overdue. It is time that we realistically chart the direction which will balance those principles we hold so tenaciously with the new and challenging realities that lie with our Nation's future.

Mr. FISH. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. McCOLLUM), a member of the Subcommittee on Immigration.

Mr. McCOLLUM. After the national defense and the economy, there is no more important issue facing our Nation today then gaining control of our borders and immigration reform, which is embodied in the debate over this legislation.

I find it to be tragic that we have waited this late in this session to bring up this bill at all so we could have this debate.

Before commencing upon a discussion of my views on the bill, after having served for nearly 2 years on this subcommittee, I want to personally extend my commendations to the chairman, the gentleman from Kentucky, to the ranking member, the gentleman from New York, and to the chairman of the full Judiciary Committee, the gentleman from New York, as well as the other members of the subcommittee who have labored for hours, toiled in the vineyard, to prepare for a moment which apparently is going to be very difficult to achieve if at all here in the 11th hour of this session.

But I do believe that despite the fact that many peope are home tonight or celebrating at Christmas parties somewhere, perhaps not listening to this debate, as they should, we need to have an airing of the issues before us. We need to remind each other and we need to bring to the American public's attention some of the basic facts about the problem at hand and the gravity of it.

What we are talking about is the very quality of life of the American people. What we are talking about is the quality of life that we are going to have in this Nation in the future for our children and our grandchildren and for those to come, and whether or not that quality of life made for us by our ancestores is carried forth by this generation to the next, so that we can have this great quality of life for the immigrants who do come here and for their relatives that they bring here to become new citizens.

Now, with that said let us think about the precise nature of the problem.

First of all, there has been said to be in excess of 12 million, perhaps—nobody knows the figure—illegal aliens in this country today. That alone is not the sole question. The problem is seen more clearly when we consider the fact that for about the last 3 years or so we have had about half of our population growth from immigration, either legal or illegal, and about half that or a quarter of the total growth of this country's population from illegal immigration.

We cannot absorb and assimilate that type of numbers of people coming across our borders.

In addition to that fact, in some of the major hospitals in this country every year there are born thousands of children to illegal alien mothers who are not even counted in those figures because they are citizens upon the day they are born here in this country.

The kinds of problems that are faced in not only my home State of Florida, but in many of your States, is a problem that simply cannot be ignored and brushed aside.

Traditionally we have said let us continue to work on the problem of increasing the border patrol, working with a country such as Mexico from which the problem has come. And I encourage doing all of that.

We have increased in this past year the number of border patrolmen and the allocations and resources.

But I have been to the borders. I have been there as a member of this Subcommittee on Immigration. I am aware not only of the problems of my own State, with its water borders and boundaries, with the difficulties of managing them, but I have been in the State of California, to the border at Chula Vista, with the members of the subcommittee, and watched and looked and seen that it is absolutely impossible for us ever to expect to control the immigration flow illegally into this country across our land and water borders if we are going to solely rely on the Coast Guard vessels and the border patrolemen.

We have got to have another solution. And that other solution is the heart and guts of this Immigration Reform Act.

That portion of the bill which deals with employers' sanctions is an absolutely essential ingredient to our ever being able to gain control of illegal immigration and to preserve and have some hope of having the quality of life for future generations that we have been so blessed to share.

When we talk about employers' sanctions, we are talking about making it illegal to knowingly hire an illegal alien. What is embodied in that is not discrimination against those so concerned about it. It is in fact an opportunity for the first time to say to those who would come over here for a job because they have a poor economic condition in their country that we are not going to give them that magnet or that opportunity for that job.

I submit to my colleagues and to those of the American public listening and watching tonight that this is absolutely the only way we have any hope of gaining control.

I have no desire to snuff out the torch at the end of the Statue of Libety. I think we need to always have an orderly flow of immigration in this country. It is what has made our Nation great, where our forefathers by and large came from, with the exception of our great traditions of the American Indian, and we have an obligation to future generations to have that same orderly flow. But we must gain control of the runaway problem of illegal immigration.

The second major feature of this bill that is terribly important is a complement to that. If we are going to snuff out the opportunities to employ illegal immigrants for those who are employers in this country of what are today literally thousands and millions of illegal immigrants that are working in the fields and in the plants of our country, those employers who have come to depend upon the availability of this labor, while at the same time doing what this bill does, which is to provide a better opportunity for American citizens to gain employment, we are going to have to give them a hope for relief in those unusual circumstances that do arise when there are no reasonably available employees who are American citizens to do in a timely fashion the harvest of the crops and the taking of the chores at hand. And that is why the liberalization of the H-2 program embodied in the committee bill from the Judiciary Committee is so important to be maintained, to allow an orderly flow of temporary workers into this country when that is indeed required to harvest the crops and to do the work at hand. And this bill provides that.

The third very critical feature of this bill, in order to have an orderly immigration program, rests in the changes in the adjudication part of the legislation.

We in Florida particularly have experienced an extraordinary time where we have had our courts clogged and we have seen the failure of the current programs inside of the Immigration and Nationality Act to deal with processing those who seek political asylum and to handle the problems of exclusion and deportation.

This bill sets up a procedure to expedite that process.

While I do not fully agree with the final manner in every detail and have offered legislation and amendments to further what I believe will be a speed up of the process, it is a vast improvement over what we have today and it is a portion of the bill that I wholeheartedly support and I think is critical for us to do the other aspect that we do not treat in slowing down the flow into this country, and that is to get people who come here illegally and wrongfully claim the right to stay back out of the country again while still giving them due process.

Now, the bill does have some deficiencies. I think the bill is gravely deficient in two respects. They do not deter me from supporting it. I think what is in it is overwhelmingly important and regardless of the outcome of any of the amendments dealing with the areas I am going to mention now, I wholeheartedly support this bill.

One of the areas is the area of amnesty or legalization as it is technically called. I do not think that we should have that. I do not think that this country, as great a nation as we are, can afford to legalize the vast majority of what may be as many as 12 million illegal aliens for any number of reasons.

First of all, I think it is a slap in the face to those thousands, if not millions, who stood in line in countries around the world, waiting their turn to become legal immigrants to America. They have in fact been denied that time after time because of the numbers and the caps and the regulations.

And yet in this bill we would say to them those who broke the law and came here illegally, we are going to forgive.

□ 2220

But that is not the worst part of this; that is just something that we should not be doing ethically and morally.

What is really bad about amnesty is that while we cut off the magnet on the one hand of those who would come here to seek a job, with the employer sanctions; on the other hand, we come forward with an even greater magnet saying to those who are out there, "If you really want to come to the United States illegally, come on over here; come on over here and in a couple years you are going to be granted amnesty. You are going to be grandfathered in. You are going to have an opportunity to become a citizen through the same processes as though you had waited in line all those years. You don't have to wait any more."

I can imagine what some of those people in line are thinking right now while we debate this bill. Some of them have not thought very much about it. They have come on over after they realized that we were serious about amnesty and saw what the other body did on the subject.

In addition to the magnet effect that I believe would draw thousands, yes millions, across our borders if we pass the amnesty that is in this bill, I also believe it would be an enormous burden to the American taxpayer in many, many ways, because of the welfare that many of these folks would go on and the dollars required to be expended on additional school and additional hospital costs, additional costs for police.

We have seen it in Florida in a very capsulized form in a short period of time with those who were there from the Cuban and Haitian immigration.

We fortunately have in this bill provisions so that no individual State will bear the brunt of those costs, but the American taxpayers certainly will as a whole.

I would urge those, if the opportunity arises, to support an amendment that I fully intend to offer here, as I did in the subcommittee and in the full committee, to strike legalization from this bill. The horrors that have been expounded about rounding up folks and sending them back across the borders, if legalization does not occur, I submit are grossly exaggerated. They will not happen. What will happen is with employer sanctions in place, we will have an orderly attrition and a leaving of this country by many of those who are here already because they will not be able to get a job. They will not be able to keep the jobs that they, in fact, have when the seasonal employment ends and they move on.

The last or second deficiency in this bill is not what is in it, but what is not in it. There is not a provision in this bill providing a full cap on immigration. We have today some very fine provisions of the law dealing with family reunification, and I really do not beg to argue that question; but what concerns me in large measure is the fact that we do not have a true overall cap on those who are close family members and we have a lot of folks coming in in numbers that really the public is not fully aware of legally; but more importantly, we do not have provisions to take into account what are known as seed immigrants. We do not have a provision in our law today that actually in reality and in practice can account for those who would give special skills, for those who would be investors in this country and in this Nation of ours, who have in the past and under the law technically, normally, have a right in certain numbers to come here and to become citizens and to be productive and to lend to the great amalgum of this country. We do not have in practice that happening because the numbers available for immigration are being absorbed by the brothers and sisters in the family reunification portion of the Immigration Act.

I submit that whatever we do in the future about changing the laws of legal immigration, we need to consider giving an opportunity once again for us to have those seed immigrants that have been a foundation of America, regardless of the fact that some of them do not have the relative, the blood relative, already in this Nation.

Now, that legislation will not be in this bill and I will not bring it up as an amendment and I doubt seriously that it will be considered, but it needs to be considered in the future. It has been in the Senate bill. It was in the original bill out of the subcommittee.

In conclusion of my primary remarks, I would like to say that I am disappointed that we did, in fact, wait so long. I am not disappointed at all in the leadership of our committee chairmen. I have already indicated how much I am proud of them and of the work they put in; but I am disappointed in the games that have been played, in the fact that many Members tonight were disgusted. On the vote on going into committee they voted not against the immigration bill, not against the cause that we are here for, but against the staying around in what appears to them to be a futile gesture to try to get a bill up that is so important and to debate it at the 11th hour at night. I do not like doing any of that either; but I do believe that we need the opportunity to air this. It is such an important issue.

I know that there have been games played and I know they may be played next year if this bill is not passed.

I urge not only my leaders of the committees and of my party and the opposing party who dealt so long and so hard with it to bring this bill back again early and strongly in the next session if it does not succeed in this weekend and in the closing days; but I certainly urge the leadership at the higher levels of both our great parties, for the sake of our Nation, to give a full and fair and complete hearing on the floor of this House, with every Member's opportunity to speak and to be heard on amendments on this great legislation in the next term should we not be able to conclude our business during this term.

It is so important. I cannot overstress it. We can talk about crime and jobs and employment and everything

else that we have debated. I know they are important and I do not deny that for a minute; but I really was grievously concerned when I noticed that the hand was ticking down and we were taking up bills such as the Domestic Content bill as a protest demonstration, I suppose in large measure to the problems at hand; but which I think most of us realize could go no place in this session. Many said this could not go; but we never put this one up early enough to give it a chance to even remotely stand a chance to be voted on for final passage. I could name several other pieces in this lameduck session that should not have been ahead of this bill. I pray again that we will take it up and we will consider it next session, if it does not pass this time.

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

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

Mr. LELAND. Mr. Chairman, I thank the gentleman from Florida for yielding, and I must say that the gentleman has stated his case very eloquently.

I am really concerned, however, about the premise that the gentleman has established, particularly the concern the gentleman has about legalization under the amnesty part of the bill.

The gentleman has suggested that he is going to offer an amendment that will strike the legalization.

Let me ask the gentleman, if I can, has the gentleman searched his family tree and found that his direct lineage from the people who came over if, in fact, they did in his heritage, had any real legal authority when they came for the first time in this country?

I am concerned about the fact that the gentleman alluded to the inscription on the Statue of Liberty about bringing the huddled masses and the people who had many problems from wherever it is they came to this country to find refuge. Many of the people who have come here have come here under extreme duress because, in fact, particularly when we consider places like Haiti and other places, Mexico for that matter, but let us consider Haiti when Baby Doc Duvalier was ravaging his own people and this country continues to enhance and prop up the Government of Haiti when we know that the Tonton Macoutes and the other legal authorities in Haiti brutalize and murder and incarcerate people and violate the human rights of those people all the time; so those people get on shanty boats and they come across the water. They come here and they are looking for refuge. They come here under the threat of being treated like illegal aliens and we look at the squalor that they have to live in in Florida and they come to Texas and they go all over the country, to New Jersey and places like that.

Mr. McCOLLUM. Well, if I may reclaim my time to respond to the gentleman, I have great empathy with the plight and the condition of many of those in the Caribbean and other places around the world who do live in poverty and whose economies we, by passing today the Caribbean Basin Initiative, are making an effort to improve in order to have a better world, in order to protect ourselves and to give them an opportunity; but we cannot have the quality of life that we want to have for our children and grandchildren if we bring all the people who are impoverished into our country and let them drag ys down to their level of poverty. We cannot do that.

All I am saying to the gentleman is that we have got to discourage that. We need to do like the Caribbean Initiative is doing to help to improve those people.

Mr. LELAND. But we are not just talking about poverty, though. We accepted with open arms the Cambodian boat people, the Vietnamese and people like that. We said that we want to legalize them; but when the Haitians came over and when other people, when the Mexicans come over for that matter, living under the kind of conditions that they live under and realizing that there is some promise, some hope for them and their families in this country, and yet the gentleman is saying now that we want to continue for them to be allowed to be illegal so that we can further prosecute them and send them back across the border.

Mr. McCOLLUM. If the gentleman will let me reclaim my time, I will say to the gentleman that I have certainly empathy for the Cambodians and others.

The refugee assistance program is entirely different from this. The law is not being debated here tonight, but the law is very clear on what political asylum is.

Mr. LELAND. What about the Haitians?

Mr. McCOLLUM. The Haitians do not qualify generally for political asylum.

Mr. LELAND. For what reason, for reasons of political consideration?

Mr. McCOLLUM. Because under the laws of our land and at the present time you have to be in fear of persecution when you go back and time and time again, they are not in fear.

Mr. LELAND. Oh, my God, the gentleman does not think the Haitians are in fear of political persecution from the Tonton Macoutes?

Mr. McCOLLUM. I will reclaim my time.

Mr. MAZZOLI. Mr Speaker, will the gentleman yield to me?

Mr. McCOLLUM. Yes, I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Speaker, the gentleman from Texas raises an interesting point and I think it is well to note at this time that in our bill, the bill before the House, is a new section on how the question of asylum is established legally. Under the current law, that question largely is settled by the Immigration Service.

Under the bill before the House tonight, there is a separate procedure, separately specially trained administrative law judges outside the Immigration Service; another separate Board of Review and then a right of judicial review of that decision.

2230

So there is a legalization section here for those who are here who do not seek asylum, and we have a separate section dealing with the question of asylum and refuge which, while the gentleman from Florida has a slightly different formulation, he and I do agree that our bill, or even his formulation, would be vastly better than the current situation.

Mr. LELAND. Mr. Chairman, if the gentleman would yield further, the gentleman from Florida says he wants to strike that.

Mr. MAZZOLI. That is a different section.

The gentleman from Texas would note that the legalization deals only with people here illegally but who do not seek asylum. The bill does have a section for those like the Haitians, Salvadorans, people coming from Guatemala who are seeking asylum. That decision is now handled in one way and our bill would handle it in a separate and much more fair way.

Mr. McCOLLUM. Mr. Speaker, I would like to reclaim my time.

I certainly want to be fair. I have been fair. I thank the gentleman from Kentucky for his comments with respect to the question of political asylum. We do have the procedures in the bill.

One last point on the question of legalization: The fact of the matter is that this bill moves up what is known as a registry date, so as a practical matter, the Attorney General has the opportunity to grant, in effect, amnesty to anyone who was here before January 1, 1973. It is really only the magnet effect of the last 10 years that concerns me so terribly and I think that that is, in fact, wrong for us to grant and that is the primary reason for striking the legalization or amnesty provision.

I thank the gentleman for the opportunity, and I yield back the balance of my time.

The CHAIRMAN. The gentleman from Florida has consumed 20 minutes.

The Chair now recognizes the gentleman from Mission, Tex. (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appear here tonight in a dual capacity, as chairman of the Agriculture Committee to bring to the membership the concern which has been expressed to us individually and collectively throughout the United States in the agricultural sector, both farmworkers and producers or farmers.

I also would like at the end to speak as an individual Member representing the 15th District of Texas, part of which lies on the border with Mexico, and where my family came to some 250 or more years ago.

Mr. Chairman, first let me say that the concerns which I bring to the membership will in no way diminish my admiration and respect for the distinguished chairman of the committee or the distinguished chairman of the subcommittee or the respective minority members, nor for the enormous work done by the Commission, which was the initial work that eventually brought us to where we are today.

I regret also that some of the concerns which I bring, you might ask, "Why bring them now?" Well, the fact is that in the process, in the legislative process, the concerns became apparent or were brought to our attention after the legislation was formulated. This is the only opportunity, besides individually speaking with Members, that we would have to, on the record, voice those concerns.

Let me say first, and this is very difficult to understand, that in the agricultural sector there is tremendous opposition which I have personally discovered from farmworkers as to what this legislation could do to them in several areas of concern.

The same opposition appears perhaps for different reasons from farmers or producers, but in this case both objecting sometimes to the same specific provision.

For example, let me state that the question on sanctions is of great concern among many of the people that I had an opportunity to visit with from California to Texas to New York, across our Nation. One comes from the people who are producers, from the farmers, some of whom to this day claim that there is discriminatory, at times enforcement of the law by the law enforcement agencies.

I have not delved personally into all those complaints, but by listening to the people on the border from California to Texas there is a great concern that many times there is highhanded handling either of the illegal alien or of the farmer or the owner of the farm or ranch. They then feel that with a sanctions law such as this, it will be easier and more prejudicial to them when they, in fact, have not infringed any law.

I would be really sacrificing my integrity to my oath of office if I were to say that you should not prosecute those that are guilty under the law. That is not what I am saying, but that when there is a rampant or widespread coverage in an area or in a specific factory or in a specific part of the city, legal and illegal aliens are all brought in and the managers or the owners of these establishments have great concern.

Then on the other side there is great concern that you may be establishing something that would, in fact and in law, make citizens of a second-class nature because I know that it is very easy for some Members, and I know that many would support the proposition, that, well, it is very simple, let us have a national ID card. This is personally abhorrent to me and I think it would be contrary to the Constitution and to the concepts and precepts on which this Nation was founded that we should revert, as some totalitarian nations do, where you cannot move from one street to another unless you have an identification card.

So I hear great concern and objection to being forced to have to identify yourself as a legal citizen. I know some say, "Well, you have to have a driver's license. That is a privilege. You have to have social security. That is a privilege which you have." But when you have to identify yourself in-country, not as you are leaving or as you are coming, then I think this is an insult.

Also, there is great concern which, if my colleagues will bear with me, I share very, very seriously that in our area of the country, or perhaps from New York into the South and into California, if the employer is concerned that he might be brought into a court of justice or that criminal sanctions or civil sanctions would be brought against him, he is going to be very careful. My concern is that if you start at Oregon, Washington, California, through to the Mexican coast to the South and then into the Northeast, anyone who looks like me is going to have to identify himself every time he asks for a job.

This is an imposition which I think our Constitution would classify as an imposition on the individual liberty of a person or of a citizen. I share with them this concern because they sometimes have trouble pronouncing my name in the realms of Capitol Hill. Can you imagine if I showed up in Alabama looking for a job, or in west Texas, or Kentucky someplace?

This is the concern that I bring to you, my dear friends, who handled this legislation.

Second, in this area also there is great concern that there are areas where you have infringement of the law unintentionally.

□ 2240

We have throughout the border those who have what they call a border-crossing permit by which they can come across the border without having a visa or passport, but they are not supposed to work. They can only come for 48 hours or 72 hours. Many of these are women who are retained as houseworkers by many people on the border, and I am concerned that if they would be covered under the sanctions, it would be catastrophic. On the border, you would have many dear housewives who had no other intention but to get some help for their households, who would have to be doing the same thing and asking, "Do you have papers? Can you identify yourself?"

The housewife with three or four children that might need to go to work, for example, you are imposing a duty on her above and beyond the norm that you would on any ordinary citizen, and you are imposing on her a responsibility for enforcement of the law that should belong to an enforcement agency.

Also, I would like to mention the fact that great concern has been mentioned to me in relation to amnesty, and this is a paradox because people who themselves have come as aliens and legalized their status tell me that they do not feel we should legalize someone who came infringing the law, someone who came, unlike they did, waiting in line, getting the papers, paying the lawyer. It is very difficult to come into this country legally. That is why, as I tell the gentleman from Florida, that is why we have so many illegals, that someone who wishes to come to this country has to wait months and years to unite himself with his family. They have to get all kinds of requirements, that they served in the Army, that they did not serve in the Army, back to the village where they lives, the chief of police, a multiplicity of documents which cost hundreds of dollars at times for people who cannot afford them, to come to this country. So, you are making it more difficult for those people who want to come legally, and yet you are giving those that came illegally the ability to legalize themselves.

I think, and this is just a personal theory on my part, that because it is the easiest thing to do—not because it is the right thing or the proper thing, but the easiest to do.

You will hear, "What are we going to do with them? We can't get them all together. We can't ship them back to wherever they came from. Let's just legalize them and start from here."

That would be fine if the process by which others who come legally were simplified. I am not one of those who feel that we have reached the point where we can have no more people

come from other parts of the world. We have terrible problems in this country now. The farm sector has terrible problems, but we still are the greatest country in the world. We still are able to produce. We have economic problems because it is a world situation as far as economics is concerned, but saying that we should put a cap on the number of people from other countries, eventually you might not have other DE LA GARZA'S or COELHO'S serving in this Chamber with such illustrious company if we were to shut it down, and let no more come in.

Can you imagine, had they done that 250 years ago, you would not have been listening to me tonight. That is part of the concern, that out there someplace there are some who can contribute yet to this great Nation of ours. Out there in some little country or some little village is yet someone who could come and make a valiant contribution in many fields to this great country of ours, and for us to change the direction and to say, "No, you can't come, we don't want you to drag us down into your poverty level," "Ain't nobody poor because he wants to," if we use the vernacular.

This I am concerned about. Another area of concern, and here I now revert to the personal, on the border from Tijuana to Brownsville—and I have an amendment posted that will address this issue—on the border from Tijuana to Brownsville we did not have it before, but now the first thing you see as you are coming into the country, or the last thing you see as you are going out, is this serpentine wire that can cut your hand if you touch it. It is this huge fence with barbed wire. It looks like the Berlin Wall. It really looks like the Berlin Wall if you look at it as you are going out or coming in.

So, I asked one of the bridge owners, "Why do you do it?"

He said, "Because we are forced to do it." There is a section in the law which says that any person with a vessel who harbors or brings in any alien is guilty and the Customs who supervise, or Immigration, I do not know which handles the operation of the border bridges, say that these bridges are like vessels, and that if an alien comes illegally over the bridge or under the bridge or around the bridge, the bridge owner is liable criminally and civilly, and they are forced then to have this ugly looking barbed wire and serpentine wire which is the first thing you see on the border, and I abhor and detest it.

If we could handle it in this legislation or maybe through some appropriation process, that would be good, but it is something, Mr. Chairman, that should be addressed because I have gone around the world saying how we do not have the Army between us and Mexico; how we do not have guns aimed across the river, and yet you see that barbed wire like the one I saw in Berlin between East and West. I think that issue should be addressed.

Now, let me revert to the personal before I conclude. I live in an area that was once the New World when the Spaniards first discovered this hemisphere. It was New Spain. So, my family was Spanish, living in New Spain. Then, following the concept developed here in Philadelphia, in Virginia, and in Jamestown, the great cry for independence and the ringing of the bell declaring this part of the then hemisphere independent from Great Britain, not too long after that the same cry was heard, and oddity of all oddities, they also rang a bell in the little village called Dolores Hidalgo declaring their independence from Spain. So, then my family became Mexican, because that part of the country, almost everything west of the Mississippi and through the Southwest, was then a part of Mexico. So, without any movement on our part, history changed it and we became Mexicans. Later, Texas declared its independence from Mexico, and we became Texans. We still had not moved.

Later, the United States had a conflict as to where the boundary would be, the Nueces or the Rio Grande River. Had it been the Nueces, I would probably be making this talk in the Congress of Mexico.

□ 2250

But when they set the Rio Grande as the boundary, then we became genuine citizens of the United States of America, of which we are proud and whose traditions we follow, and whose Founding Fathers we claim as our Founding Fathers. But we were not a part of the initial process of independence in Philadelphia. The areas of Texas, Arizona, New Mexico, Colorado, and California were a part of the independence process of Father Hidalgo and Dolores Hidalgo after Washington and Jefferson.

Having mentioned this, I then feel that, for families like mine, history or fate said if you are south of the river you are Mexican, and if you are north of the river you are genuine U.S. citizens, American citizens, and families could go and come.

But now there are those in our area who say that we should have no infringement, that if you are a member of one family, that river should not mean anything; they should have the privilege to come and go. And there are many who espouse the proposition that there should be no immigration process at all, that if you can prove that you live in the area and fate made the river a juridical boundary, that should not apply to you. Many who cross that river still feel that way.

Now, there is also concern—and I have seen it in my area in letters to the editor—that maybe we should not allow anyone to cross, that maybe we should put the Army out there or put the Marines out there or someone from one border to the other to keep everyone out. But we are integrated to such an extent economically and familywise that when Mexico now, for example, is suffering tremendous economic upheaval—and they have tremendous problems—since Mexico is such an integral part of not only our area, but of the United States, their security and their economic stability is an integral part of ours.

Members may ask, why do you bring all of this out in this immigration reform law that we discuss? Because it impacts on the economic stability that we have. It impacts on the economic on both sides of the river. It impacts also on the schools.

The Supreme Court of the United States now says that we have to educate children regardless of whether their parents are here legally or not, and this impacts tremendously on us and is an economic burden. This bill has some relief for that.

So let me say that I have found as chairman of the committee and individually—and I say this with all sincerity and respect for my colleagues on this committee and the Commission—I have found no one who has told me to go and vote for that good bill that they have on immigration. Rather, all of the concern has been from the employer or from the employee. And on the asylum question, as the distinguished chairman of the subcommittee mentioned, there is great concern in my area because through there come many of the people from Central America.

Some unfortunates who were coming from El Salvador, for example, got lost in the desert, and many died. Recently in my area some were being brought in illegally and something happened to the truck. The truckdrivers ran off, and some Salvadoran children died inside, suffocated inside the truck. This is all because the legal process is not working and this legislation does not really alleviate this situation.

We do not have enough people in the consulates. We do not have people in the visa sections. I do not know whether this bill addresses that or whether it will have to be handled in some other place. But this is something we should be addressing.

First, how do we address the issue of those who would want to come in legally? I have no concern about land. We have land. I know that we have unemployment now and I know we have tremendous economic problems, but that is for other reasons, not because of the people who come, although I must also say that there are some concerned farm workers who feel that some aliens legal, or otherwise,

infringe in the areas where they might get employment. So I bring that concern to the Members also.

From my personal viewpoint and from my perusal of all the letters and telegrams that have been sent and from my personal inspections on behalf of the committee, I say that I do not feel that I can personally support this legislation. I would hope that, rather than doing what we are doing tonight in the last days of the session, we would have the foresight to see that there is tremendous dissatisfaction out in the population.

Some even have the temerity, if I might say so, to tell me that the committee acted almost as in a vacuum here in Washington, Although I know the committee had hearings in several areas, the legislation was written perhaps in a sterile atmosphere, too clean to satisfy the intent of the law or the requisite of what my distinguished colleagues felt the law should encompass. That is not the best way to legislate, Legislation should not be sterile and should not be perfect in every detail.

I would think we would have to have more field hearings and more input from people outside, so it can be addressed again, because very respectfully, I say the end result of the commission and the end result of this committee is not acceptable to anyone to whom I spoke.

MR. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I will be happy to yield to the chairman of the subcommittee.

Mr. MAZZOLI. Mr. Chairman, I appreciate the gentleman yielding for a few moments.

The gentleman has made a wonderfully eloquent statement. The only part I would deal with is the part about this bill being written in a vacuum. It was not. It may not be a perfect bill, and the gentleman in this own way certainly has every right to object to it and oppose it. But it was written by this subcommittee after many, many days and hours of hearings.

We traveled to Florida, some of the Members went to Haiti, some went to Texas, and some went to California. We had people basically from all the States in the Union come into Washington to testify. If my recollection is correct, we had 300 witnesses over a period of time.

So I say to the gentleman that like in anything else, we had to curtail some of the hearings, but essentially it was not written in a vacuum.

Mr. DE LA GARZA. Mr. Chairman, the gentleman may well be correct. What I said to the gentleman—and the gentleman may recall my words—was that some people even have the temerity to tell me that they felt it was written in a vacuum. I am not telling the gentleman that I acccuse him or the committee of that. I am relaying the message that some people gave. This is the perception that some people had, and at some point in time the perception of the people in law is more important than the letter of the law.

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

Mr. DE LA GARZA. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I have listened carefully to the gentleman's statement and I think it may have been the most powerful one that has been made during this debate.

But I would like to observe that going to the southern borders of our country and watching people wade through the water or visiting an INS office does not constitute any meaningful experience. It takes the writing of this legislation out of the vacuum that some people talk about.

Last night there were members of this committee who were very anxiously supporting this bill who said, "I went to the border and I looked and I saw, and I came back and now I know what I am doing." They ignored the testimony of some of the Hispanic leaders here as if they had not even spoken. I could not believe it.

They were asserting that by serving on a committee and taking a couple of trips, maybe a lot of trips, somehow going to that Mexican border gave them some insight to write this legislation. I happen to be one of the members who believe that that does not give them one ounce of insight more than anybody else.

Mr. Chairman, I thank the gentleman for yielding.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for his contribution and I thank the Members for their courtesy tonight. Let me close, Mr. Chairman, by saying that there are many areas I did not cover for lack of time, and I would consider it prudent and certainly responsible to address this issue next year.

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

Mr. ERLENBORN. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I thank the ranking minority member of our committee for yielding me this time. I take this time just to indicate that in our committee, in full committee, I introduced an amendment which I think is a needed amendment because it deals with this whole business of refugee education.

If you remember, prior to 1980 we handled each group of refugees who came in a different manner and with no specific rhyme nor reason. Local communities and local education agencies had no say in whether they were going to receive any help from the Federal Government, and then we wrote this act in 1980.

□ 2300

What I have tried to do with my amendment is merely conform the education part of this bill with that act that was written in 1980.

Basically, just to refresh your memory, in that act local education agencies can receive anywhere between $400 and $1,100 per pupil. It depends on how heavily impacted they are. It depends on how long those refugee youngsters or those legal aliens have been in that specific area. So you could receive as much as $1,100.

I think we definitely should do the very same thing in this piece of legislation that we do in all other refugee education.

We also, of course, handle the adult education program. So we have $300 set aside for anyone 16 years and older who comes into this country in the adult education program.

So basically, as I said, what I have tried to do with this amendment, which was accepted unanimously in our committee, is to conform the educational part of this bill with what we already have written.

As I indicated, for the first time in 1980 a uniform approach was taken so that every school district, every local municipality knows exactly what they can expect from the Federal Government and they do not have to wait and they do not have to bargain. They know they are going to get help and assistance in order to educate these youngsters.

When we get to the amending process I will offer that amendment and I hope that it will be accepted by the committee.

I yield back the balance of my time.

The CHAIRMAN. The Chair now recognizes the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN of Idaho. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Immigration Reform and Control Act of 1982 (H.R. 7357) as proposed to us here is a very controversial bill that is opposed by many individuals for a variety of reasons. The agricultural community has followed closely the developments that have led to the consideration of this immigration reform legislation because there are special problems involving the hiring of foreign workers to grow and harvest certain crops that must be considered. Now it must be pointed out that the current H-2 program is not workable as presently provided by the general authority in the act as administered by the Secretary of Labor.

As a result, both the Senate bill as passed and the House version as reported by the Judiciary Subcommittee

on Immigration, Refugees, and International Law have commendably sought to establish a workable, temporary foreign worker program for agriculture. Unfortunately, however, this has not been accomplished. The full Judiciary Committee made major changes to the subcommittee version and then this section was further amended by the House Committee on Education and Labor which argicultural interests cannot accept.

Trying to meet grower needs, the agriculture industry has sought to diminish the role of the Labor Department and give the Department of Agriculture a voice in the admission of temporary workers. As might be expected, organized labor, operating from its unfamiliar urban base, has attempted to limit this program, presumably to protect the American worker, but with counterproductive results.

It has to be boldly stated—there is no way that most Americans will perform the labor required to adequately handle irrigation needs and harvest the potatoes, fruits, and vegetables produced in this country. Most of these harvesting tasks require that the produce be hand-picked and sorted at a specific time. It is labor intensive and requires a substantial number of workers who in many cases must be mobile as they follow the harvest to different geographical areas. Again, it is an established fact that there are very few Americans available who want to accept this type of employment which requires in effect a manual labor expertise that mechanized-oriented Americans do not wish to undertake, even when the pay is the same.

The political compromises effected so far are to the detriment of American agricultural interests. Changes that would warrant support by agriculture could be accomplished in one of two ways—acceptance of various amendments to be offered, which stand little chance under current circumstances, or rejection of this bill and going back to the drawing board. It would be much wiser to come back next year under less strained legislative conditions with a bill that adequately recognizes a valid need for temporary foreign workers so as to be acceptable to the great majority of those seriously affected by economic changes.

Any provisions which seek restrictions on the H-2 program that make it more difficult for employers to receive certification as a precondition for hiring foreign workers when they cannot find qualified U.S. workers are unacceptable because of the time factors involved in perishable commodities.

The establishment of an 8-month limitation in any calendar year for most purposes does not meet the needs of many agricultural employers, especially in the South and West, where growing periods include winter months. Besides forcing growers to change workers in mid-season it will add additional costs. It would appear to be better to have the maximum period under certain circumstances be expanded to 11 months so that workers could be transferred between crops.

The Secretary of Agriculture, because of his expertise in major area of concern, should be regularly consulted on the H-2 program, thus having a key role along with the Secretary of Labor. But so far any such reference to the Secretary of Agriculture has been denied with pressure from urban labor groups calling the shots.

Another problem presented by suggested amendments is that they would enact into law the regulations that the Department of Labor currently has in effect to operate the H-2 program. This would in effect lock in present regulations regardless of unforeseen situations that might develop under a sweeping new law in any given year. Of course the Congressional amending process could be followed, but we all know how difficult and time-consuming it is to accomplish needed changes under emergency circumstances. Severe damage can be done to people while they wait in frustration.

I could recite many other instances of problems with this legislation, but basically it is just unworkable. The agricultural industry stands to be severely harmed by many of the provisions of this bill and major proposed amendments and if proper restructuring cannot be accomplished, we should refuse to act in haste on this pressure-packed lameduck session and hold our decisions for better circumstances next year.

In addition, Mr. Chairman, on a broader basis I must also point out that the Immigration Reform and Control Act of 1982 fails to effect any real control on the alarming swarm of aliens invading America's borders. Instead, it will legalize and expand the shocking abuse of Immigration and Naturalization Service (INS) agents against the human and civil rights of both aliens and Americans alike.

I have recent legally documented instances where INS agents, acting beyond the law have demonstrated scandalous contempt for human life, not excluding even murder—and the victims of this abuse have been both illegal aliens and American small businessmen. Perhaps the saddest commentary on this is that even in the face of judicial rebuke, INS spokesmen have announced their intent to continue such activities. This alleged reform legislation will strengthen their ability to do just that.

This bill accomplishes its dubious purpose by attacking the free exercise of previously inviolate rights. The INS is given yet more authority to harass employers; violate the most elemental rights of human beings; and continue their now notorious methods of entrapment, brutality, and even murder. The bill's solution seems aimed at creating criminals and abusing rights rather than limiting illegal entry.

This bill entrusts to the INS still more opportunities to hound employers. Only last year, INS conducted an operation against, not illegal aliens, but against the farmers of my area. The INS itself brought illegal aliens into the United States and under cattle-like circumstances, transported those aliens to Idaho and attempted to sell them to Idaho farmers.

In the course of that operation, the INS violated the law by smuggling in illegals. They charged those illegals a fee to bring them across, then turned some of the illegals in for bounty fees for their "coyotes" sending them back to Mexico. The rest they ultimately brought to Idaho in an entrapment operation.

During the litigation which resulted from this activity, a Federal judge dismissed the action against the farmers with the following statement:

> . . . (A)s a lawyer and as a judge, I must say that I am offended deeply by the idea of getting a hint that someone might employ an illegal alien, going down into the foreign country, making arrangements for those people to come into the United States . . . and this just offends my sense of what the government should be doing.

He characterized the incident as the worst case of legal entrapment he had ever encountered.

After that trial, the INS regional officer stated that the Service intended to continue doing the same thing as a regular course of action. But we shouldn't be shocked at this. Only a few years earlier, an INS agent shot an unarmed 19-year-old local farm worker in the back of the head, killing him. By the time of the hearing, all of the illegals who were witnesses to the act had been sent back out of the country by the INS and the shooter was set free. I have county prosecutors who would testify to this effect.

A few years ago, when I started to bring the abuses of the Internal Revenue Service agents to light, I was met with disbelief. My colleagues would not believe that our agents, officers of the law whom we set upon the people, could abuse their authority. Yet it is now common knowledge that I was right and that these agents are responsible for a tax rebellion among the people which no one seems to know how to solve.

The response of the Congress has been to pass yet more repressive legislation. And now under the guise of stemming illegal immigration, which all of us want, many leaders of this House are prepared to again choose to use repression against the people of

our country. Are we perhaps slipping into a way of thinking more suited to a different form of government than this Republic? Are our people wrong to ask why we are at pains to treat thugs and career criminals with solicitude, only to turn on the honest and hard-working person and use the Government to crush him?

Whenever it is offered, I urge the defeat of any measure whose main feature is more brutal attacks on the people of the country. We can control immigration, if we want to, without brutalizing human beings and without making employers a whole new criminal class.

H.R. 7357 should be defeated and redrafted under better circumstances in the new Congress.

The CHAIRMAN. The gentleman from Idaho (Mr. HANSEN) has consumed 6 minutes.

The Chair now recognizes the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. GARCIA).

Mr. GARCIA. I would like to thank my colleague from California (Mr. MILLER).

I want to thank the chairmen of the full committee, of the subcommittee, and the ranking minority members who have worked very hard on this bill. The one interesting and exciting part of this immigration bill is that finally this Congress is talking about immigration. I think that is healthy, because it is the only way we are ever going to get down to the business of putting together a program that is going to be fair to everybody.

But I also have a personal experience to relate, similar to my colleague from Texas, KIKA DE LA GARZA.

What very few people know about me is that both my sons' grandfather came across the border from Brownsville, Tex. He lived in this country for close to 40 years before he passed away in 1977. For those 40 years he constantly looked over his shoulder making certain that nobody was following him, making certain that there was no INS close by.

Let me just say it is one hell of a way to live.

□ 2310

That is why I think we have no choice in the 98th Congress but to work together for a program to bring amnesty to all, all, undocumented persons who are presently residing in this country, not a two-tiered program but a one-tier program—to really let them all be absolutely free as you and I are.

I have also had the opportunity of visiting at least half a dozen camps where aliens were being held.

I remember I spent a full day at San Isidro, just across the border from Tijuana. I went to the pens, and I had an opportunity to talk to some of these people. I was at the border when busloads of aliens came in from Los Angles, there was a guard asking them certain questions and every now and then he would pick one out, and that person would be from El Salvador, or from Nicaragua, or some place else in South America, and they were called, OTM's which meant other than Mexicans.

I also went into the foothills of San Clemente, myself and Father Siedra, from San Diego. I walked up into those mountains. And I looked at these poor people, young men, sleeping on mattresses that were sopping wet, with pieces of canvas over their heads, and I said, my God, how could they possibly live this way. The fire where they were cooking their food, with all the flies—you and I would never partake in that. But there they were hiding, waiting to get an additional couple of hundred dollars so that they could make the run from San Clemente into Los Angeles, because if you known that part of California, that goes from San Diego to Los Angeles, you know that on one side is an ocean, and on one side is the Federal camp called Camp Pendleton. And the only way you can get through that stretch is either in the trunk or in the back seat of a car. Yet still, in order to do it, you had to raise money to get someone to help you.

Why are all the minorities opposed to this bill? That to me is very, very revealing.

We are afraid of this bill because of its potential impact on our communities. We are afraid of the consequences of what has been considered a so-called delicately balanced bill. We will be the ones who are going to bear the burden of those consequences.

But I will be frank to tell my colleagues, we will not lie down, and we are not going to accept discrimination. As far as I am concerned, discrimination will never happen again to us.

My sister, who is a minister, once offered a prayer to this body. Let me tell you what she said that day, and what she has said on many occasions.

The one thing that I think that every group has always wanted for themselves is not to walk any taller than anybody else or to walk in front of anybody else. I think all we really want is that we have the opportunity to walk along side.

I believe that is what the minorities in this country are looking for today. That is what those persons who are coming from Haiti and coming in from the various Caribbean nations want. They are not looking to take anything over. These are people who are trying their best to make a living, to raise a family, to enjoy what everyone in this room has had the opportunity to enjoy. As the chairman of the Population Subcommittee, I have held a hearing, and I would say to both my colleagues, the ranking minority member, my colleague from New York (Mr. FISH), and to the gentleman from Kentucky (Mr. MAZZOLI), that while I do not have legislative jurisdiction over immigration policy, I have held hearing on this issue. That subcommittee held three extensive days of hearings on this issue.

The last hearing we held was just last week. And I questioned, Representative SHIRLEY CHISHOLM on the question of why editorial boards from such prominent papers as the New York Times, the Washington Post, and the Los Angeles Times have all been in favor of this legislation.

Let me just respond, and with the gentlewoman's permission, although she is not here, I believe her answer shed some clear light on the entire subject of discrimination. And I am going to quote her. I hope she does not mind.

> It is always rather difficult for those persons who sit in judgment with respect to the lives of other people and make their assessments and evaluations by virtue of the media to truly comprehend what is happening to people of color. They have not had the opportunity to live the lives, to have those experiences of people of color.

Whether we are black, whether we are brown, or whether we are yellow. And again quoting her, "And it is always amusing how the editorial writers can come up with their conclusions." That is why she said she could not support this bill.

Now, let me tell my colleagues another reason why I am opposed to this bill.

I want to talk about employers' sanctions.

My colleague from Florida has his problems with the question of amnesty. There are other people who have their problems with other sections of the bill. But let me speak now to my colleague in Florida about sanctions.

The fact is that if you and I—and I would like to think I am as smart and as intelligent as you are—went to a prospective employer, if this bill becomes a reality, and I spoke with an accent, as my dad did and as my mother did, and you and I, with equal talent, an employer would say, why should he take a chance and hire BOB GARCIA when he can hire you. It seems to me that this is what we are really talking about here.

We are setting up a system in which a prospective employer is both judge and jury. That is a heck of a responsibility to place on somebody who just wants to hire somebody.

I then have the right, if he should not hire me, to go out and say he is discriminating. You have the right to go out and say that I may be an illegal alien. And then what happens to this poor employer. He is stuck in the middle. He does not know whether to

go this way, or whether to go the other way. That is the basic problem with the whole program of sanctions.

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

Mr. GARCIA. I would be delighted to yield to the gentleman; I think the gentleman is entitled to respond.

Mr. McCOLLUM. I think that gets to the heart of what I believe is mispreceived by the minority groups and those imposed to the employers' sanctions in this bill.

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

Mr. FISH. Mr. Chairman, could I yield 2 minutes to the gentleman from New York?

The CHAIRMAN. The gentleman from New York is recognized for 2 minutes.

Mr. GARCIA. Mr. Chairman, I yield to the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. If I might, I think the heart of the problem is that there is a failure to recognize the protections in this bill that are built in the employer sanction area for the employer, so that the reason to discriminate, which the gentleman fears, should not be there.

We have in essence made the employer immune if the documents that are listed in the bill are presented to him; he cannot be found guilty, or convicted, or prosecuted, regardless of any other factor, and, consequently, I really find that the issue to me—at least trying to be objective about this—is somewhat of a bogus issue.

I respect the fear that comes from those who undoubtedly, and I have not had the experience, would have that concern. But I do believe we have gone overboard to make sure that the prospective employee is not going to face the problems of discrimination which the gentleman fears.

Mr. GARCIA. If I can reclaim the time that was so generously offered to me by the gentleman from New York—and I do not want to preach—but unless you have lived as a person of color, it is pretty damned hard to understand it. And for those of us who have been down that road, where people have refused to hire us just because of our surnames, or the way we looked, it has not been pleasant. I am glad that the gentleman has never experienced that.

But many of us have. And I would say to the gentleman, I would prefer not to have experienced it. But in having experienced it, I have not become hard or bitter because of it. I think I am a better person, because I can understand things that sometimes the gentleman may not be able to understand.

It is just so difficult. And it gets so emotional—the whole aspect of whether in fact you are eligible for a job or you are not.

Mr. McCOLLUM. If the gentleman will yield further, I respect that emotion, I respect that experience. But what I am saying to the gentleman is that trying to remove myself from the emotion which I hope he tries to do in his case, too, I find in this bill no real discriminatory aspect from the employer. There is no reason for the employer to discriminate, although I respect the gentleman's emotion and that emotion undoubtedly and naturally clouds his objectivity on this issue.

Mr. GARCIA. I would like to include a written statement for the RECORD:

In light of last night's debate, I feel compelled to raise an important point. There are some supporters of this bill—certainly not all—who act as if they are giving America's minorities a gift with certain of the provisions in the bill. I detect, at times, a certain self-righteous, condescending attitude. I do not consider any provisions that have a positive effect on my community or any other minority community in this Nation a gift. I consider it a right.

Why are so many minorities opposed to this bill? Because we are afraid of what it might do to our communities. We are afraid of the consequences of this "delicately balanced" bill. We will be the ones to bear the burden of those consequences. We will not, however, lie down and accept discrimination. That will never occur again in the history of this Nation.

My sister, who is a minister, has a prayer she often uses. She says of our community that we don't want to walk ahead of you, but we don't want to walk behind you. We just want to walk beside you.

On the subject of discrimination, at a hearing held by my subcommittee last week, on immigration, I asked my distinguished colleague from the great State of New York, Congresswoman Shirley Chisholm, a question on how she responded to the Editorials, in many newspapers, supporting H.R. 7357. I believe her answer sheds some very clear light on the whole subject of discrimination. I would like to quote my distinguished colleague: "it is always rather difficult for those persons who sit in judgment with respect to the lives of other people, and make their assessments and evaluations by virtue of the media, to truly comprehend what is happening to people of color. They have not had the opportunity to live the lives and have the kind of experiences (of people of color), and it is always amusing to me how these editorial writers can really come up with their conclusions."

That is why I cannot support H.R. 7357, because it may prove to be discriminatory to people of color.

Another reason that I oppose this bill is because it has the dual effect of watering down the legalization program, and at the same time, creating a new bracero program, disguised as an expanded H-2 program.

Editorials in some of this Nation's finest newspapers have called this bill a carefully crafted and delicately balanced piece of legislation. That's simply not true. While its intention may be to balance off interests, it does not.

There is no amnesty program in this bill. In fact, the bill's supporters are quick to add that the bill has a limited legalizataion program. There is no complete amnesty—that is the problem.

It, instead, has a two tiered legalization process that would put newly legalized persons in a state of limbo for at least three years, and perhaps six. This process is not only unfair, it is unworkable.

Like so much else with this bill, numbers, and time periods are thrown around as if they had no real impact on the individuals they will potentially effect. Keeping persons apart from their full rights as legal residents for a minimum of three years and a maximum of six years, is the same as keeping these individuals apart from the law for that same period of time.

We already have an expansive underclass; we don't need a law that will extend that class even further. That's against the principles on which our country is based.

What we need is an amnesty program that would be retroactive from the time of enactment of the bill. This would have the positive effect of wiping the slate clean, and giving those individuals who have been contributing members of society—but who have lived in fear because they did not have proper documentation—to come out in the open and participate in the mainstream of society.

Aside from the general principle behind opposing this half-way legalization program, it will also prove to be a bureaucratic and administrative nightmare.

Even if voluntary agencies help with the process, there is no way the INS can be expected to effectively handle the amount of paperwork that this two-staged system would create.

Can you imagine the amount of documentation that will have to be sorted out if this program is implemented? It's a staggering thought.

Of course, there will be even more problems for the INS in making sure that only certain newly documented persons get certain benefits for a specified period of time.

We are asking INS to assume a responsibility that is of epic proportions, and we are doing it at a time when we are also asking that organization do a more effective job at monitoring our borders.

So much for a delicately balanced bill. I don't think the U.S. is willing to round up all undocumented persons in this country and send them home. I would also like to think that very few, if any of us, would support such a mean-spirited notion. Since that is the case, a total amnesty program is the best solution. Further, the money saved by eliminating all the red tape and bureaucratic hassle, could be used to help INS control the borders.

The H-2 program is an excuse to bring guest workers to this country who will only be used for their labor and then they will be shipped back to their homes. This program could potentially bring in hundreds of thousands of temporary workers, at a time when there are thousands of our own farm workers looking for employment.

The H-2 program contained in the original bill is bad for American workers. Further, I find it ironic that some supporters of this bill have said that it will provide jobs for many Americans, by ridding this country of undocumented persons. Yet on the other hand, this bill contains a program which brings in a steady supply of temporary workers to take jobs away from American farm workers. It makes no sense.

What does make sense, is either an elimination of the H-2 program or severe restrictions on the present program. I believe my

colleague from California, Mr. Miller, is introducing amendments to this effect.

During the last week of April of this year, the administration initated "operation jobs." This program was designed to remove undocumented workers from so-called better paying jobs across the country. It was responsible for apprhending 5,440 of these workers.

The program was a failure. It was a failure because the so-called better jobs being taken by undocumented persons turned out to be less than acceptable to many of the Americans who took them.

In the December 5 Wall Street Journal, there was an article on "operation jobs" and many of its failures. These failures are perhaps best summed up by a man who took a job vacated by an apprehended undocumented person. He said that, "it was was too much work for too little pay. We were like dogs out there. I ain't never been in prison, but it felt that way."

This article uncovers the lie that Americans are being pushed out of jobs now being held by undocumented persons. It also helps to eliminate the often held belief that those individuals are a drain on society. They are not; they are productive contributors to our economy and society at large.

As I have said repeatedly, this country was built by immigrants. Their enthusiasm and faith in the American system is far from draining, it's heartening.

I am not advocating a lax immigration policy, but I do support a just and realistic policy that does not scapegoat immigrants.

Many of my colleagues have spoken against the bill because it is being considered at such a late date. I agree, this is not the time to debate the question of immigration policy. This issue will be with us when we return in January.

As chairman of the Census and Population Subcommittee, I held three days of hearings on the question of immigration, I heard a host of witnesses talk about this problem and the potential impact it might have on may of America's minorities.

I also testified before the other body, the Senate, on the question of immigration. I am not a newcomer to this issue. I did not jump on the bandwagon recently.

I oppose H.R. 7357 because it does not do what it sets out to do, that is, create an effective, just immigration policy. There are nearly 300 amendments to be considered at a time when many of us are anxious to finish up business and start fresh in the new year, with a new congress.

I have a statement prepared by the League of United Latin American Citizens on employer sanctions and discrimination that I would like to submit as part of my testimony.

I also have a letter that I would like to read presented to me by Mr. Bert Corona, of the National Coalition of Latin American Trade Unionist, last week at my subcommittee's hearing. I hope this letter will give my colleagues some indication of the amount of grass roots opposition there is to this bill:

DECEMBER 10, 1982.

Hon. ROBERT GARCIA,
Chairman, Subcommittee on Census and Population, Post Office and Civil Service Committee, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN GARCIA: On behalf of over 100 Hispanic organizations which compose the National Immigration Coalition in Southern California and the approximately 10,000 Catholics of many nationalities, citizens, and permanent residents who have signed these 10,000 letters directed to House Speaker O'Neill, Majority Leader Jim Wright and Committee Chairmen Peter Rodino and Richard Bolling asking for a postponement of consideration of the Simpson-Mazzoli Immigration Reform Act of 1982 (H.R. 7357), I respectfully request your presenting these letters to the leadership of the House of Representatives who are to decide whether this bill should receive final House action.

It is important that you understand our support for immigration reform, but reform which can solve many of the problems attendant to our present immigration policies and practices, but in our humble and considered judgement this bill does not solve any of these problems. Instead, it creates new and more difficult problems and exacerbates the existing ones. Our country's domestic as well as its foreign policies can hardly afford the kinds of problems H.R. 7357 heightens.

We appreciate and are grateful for your assistance in bringing these concerned citizens' letters to the attention of the House leadership and to the Congress as a whole.

Respectfully yours,

BERT CORONA,
Coordinator, National Immigration Coalition.

LEAGUE OF UNITED LATIN AMERICAN CITIZENS,
December 15, 1982.

To: House staff.

From: LULAC, Arnoldo S. Torres, national executive director.

Subject: Employer sanctions and employment discrimination.

I. EMPLOYER SANCTIONS AND EMPLOYMENT DISCRIMINATION

The employer sanctions provisions, Title I of the proposed Immigration Reform and Control Act of 1982 (H.R. 7357), threatens to erect additional barriers to equal employment opportunities for Hispanic. Illegal immigration in this country has long been perceived by Americans as an Hispanic phenomena. "Operation Jobs," conducted by the Immigration and Naturalization Service in April illustrates this point. Illegal Canadian and European immigrants survived "Operation Jobs" virtually unscathed, while Hispanics, and persons of color bore its wrath. The institution of employer sanctions, for the hiring of undocumented workers, promises to have the same result. Hispanics will be most notably suspected of illegal status.

As presently proposed the Immigration Reform and Control Act contains no statutory language which effectively counters the threat of increased employment discrimination, toward Hispanics, which it engenders. It simply contains report language which is not designed to prevent employment discrimination but simply report it after the fact. Further, the bill provides, in part A Section 274 (a) (1) (b), that "it is unlawful to hire for employment in the United States an individual without . . . " verifying that the individual is eligible for employment, as by being a citizen or legal resident. The bill, however, does not provide for any system of monitoring to ensure that all individuals, not just Hispanics are requested the requisite documentation before employment. Even assuming that figures on the occurrence of employment discrimination, or unequal treatment, become available, the absence of an institutionalized monitoring system would logically render those figures unreliable. In the interim, three years will elapse during which time Hispanics may be denied equal employment opportunities.

The potential for increased employment discrimination toward Hispanics which the bill engenders is of particular significance today, in the wake of the deprioritization of civil rights enforcement in this country. What follows is a brief exposition on the state of equal opportunity law enforcement in this nation. The conclusion to be gleaned from the following analysis is that no guarantee of prompt redress exists for those Hispanics who, as a consequence of the advent of employer sanctions, are wrongfully refused employment, or otherwise denied equal employment opportunity.

A. THE STATE OF EEO LAW ENFORCEMENT

The Commission on Civil Rights in its June 1982 report noted that funding and staffing cuts in the EEOC have resulted in a retardation of the EEOC's progress toward providing complainants with prompt relief, addressing class and systematic discrimination problems and eliminating inconsistent equal employment requirements.

As the table below shows, EEOC's systematic spending power is $6 million (5 percent) lower than in FY 80.

EEOC BUDGET TOTALS AND TOTALS IN CONSTANT DOLLARS: 1980–83 (PROPOSED)

[In thousands of dollars]

Fiscal year	Appropriation [1] (annualized)	In 1980 constant dollars
1980	$124,562	$124,562
1981	137,875	126,028
1982 (Budget request)	140,389	119,041
1982 (Continuing resolution)	[2]139,889	118,617
1983 (Budget request)	144,937	114,536

[1] Figures represent what EEOC could spend during a whole fiscal year under each spending ceiling.

[2] This figure does not include a $4.2 million supplemental appropriation EEOC expects during the fourth quarter of fiscal year 1982 because this appropriation has not been enacted. Mary Stringer, supervisory budget analyst, EEOC, telephone interview, Mar. 11, 1982.

As a result of spending cuts the EEOC in FY 81 cut back the number of planned class complaint investigation of broad patterns and practices of discrimination by 13 percent, and expects to keep at this lower level in FY 83.

According to the Commission's report, the EEOC plans further cutbacks in services, such as labor force data processing. Such cutbacks would restrict the EEOC's plans to include in its targets other "employers," such as unions and apprenticeship committees that have had many discrimination charges filed against them.

Because of budgetary constraints, the EEOC in FY 83 expects to approve 14 percent fewer new suits than it approved in FY 81, even though a rising complaint load indicates a greater need for litigation. The agency may also have to reduce the number of suits it actually files in FY 83.

As the table below from the Commission's June 1982 report shows, EEOC's staff resources have been declining steadily. The agency has lost 461 authorized positions since FY 80 and is currently below its authorized level. Clerical and field office attorney positions have been affected most heavily, slowing down the production of documents and work on legal cases. The EEOC plans further cutbacks in FY 83, for expert witnesses and other support services for cases in litigation.

EEOC FULL-TIME PERMANENT STAFF POSITIONS 1980–83
(Proposed)

Fiscal year	Authorized	Actual
1980	3,777	3,433
1981	3,468	3,416
1982 (Request)	3,468	(1)
1982 (Continuing resolution)	3,316	(1)
1983 (Request)	3,278	

[1] EEOC failed to provide requested data on actual staffing levels. See Edward Morgan, Director, Office of Congressional Affairs, EEOC, letter to John Hope II, Acting Staff Director, U.S. Commission on Civil Rights, May 7, 1982.

As a consequence of staff shortages the EEOC in FY 81 estimated it would take 6½ months to resolve all Title VIII complaints on hand. With yet fewer staff on hand, its present FY 82 estimate is a month longer, and its FY 83 estimate is still another month longer.

Staff shortages have led the EEOC to assume a progressively more passive enforcement role. Lack of sufficient funding and staffing has diminished the agencies ability to conduct federal civil rights compliance reviews. Staff allocations have led to an emphasis on inefficient individual complaint investigation activities, albeit at the reduced level shown.

The resulting cutbacks in the EEOC's activities targeted at systemic discrimination, inevitably places the burden of initiating enforcement action on the victims of discrimination, persons often lacking the requisite resources of familiarization with the law or with the requirements of program operations. The rights of victims who do not know how to file complaints or fear reprisal for doing so, have been left unprotected.

CONCLUSION

The employer sanctions provisions presently contained within the proposed Immigration Reform and Control Act of 1982, will only further exacerbate the existing problems the current budget reductions are creating for disadvantaged and ostracized American citizens and legal residents. The consequence of the present legislation will be to erect additional barriers for people outside the American mainstream.

It should be noted that while the present budgetary cutbacks have limited the EEOC's capacity to initiate suits, the number of national origin complaints filed with the agency have been on the increase. (See following table)

COMPLAINTS FILED WITH THE EEOC

Annual reports	Total charges	National origin charges	Percent of total
1966	6,133	143	2.3
1973	77,242	12,377	16
1976	103,067	10,622	10.3
1979	79,084	7,913	10
1980	90,325	8,568	9.5
1981	94,460	9,235	9.89

Hispanic complainants comprise an overwhelming majority of the total percentage of national origin charges filed. The inability of the EEOC to adequately effectuate its mandate will have its most direct consequence on the Hispanic community, the group being now asked to bear the employment risks associated with H.R. 7357.

Mr. RODINO. Mr. Chairman, may I inquire as to the amount of time remaining.

The CHAIRMAN. The Chair would advise the gentleman that the gentleman from New Jersey has 23 minutes remaining; the gentleman from New York has 12 minutes remaining; the gentleman from California (Mr. MILLER) has 20 minutes remaining; the gentleman from Illinois (Mr. ERLENBORN) has 27 minutes remaining; the gentleman from Texas (Mr. DE LA GARZA) has 2 minutes remaining; the gentleman from Idaho (Mr. HANSEN) has 24 minutes remaining.

Mr. DE LA GARZA. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. COELHO).

□ 2320

Mr. COELHO. Mr. Chairman, I first want to compliment my colleague, the gentleman from Kentucky (Mr. MAZZOLI) for the work that he has done on this bill.

In general, this is a good piece of legislation; however, it does cause a great deal of trouble for a great number of people.

I do not think the bill has addressed all the problems. I think that those of us who represent perishable crop areas have some severe problems in regards to how do we get our crops picked, when are they picked, and who is going to pick them? People are concerned about getting their fresh fruits and their vegetables and they do not recognize the extensive problems this bill create.

I testified before the subcommittee, pointed out the problems, and I still do not think the legislation in any way addresses it.

My major concern, however, is the concern dealing with discrimination that we are going to see on the bill because of the employer sanctions.

I disagree with the comments made by the gentleman from Florida, with all due respect. The fact is that it not only exists with employers and it will exist to a greater extent, it does exist today in regard to people with the Border Patrol and the Immigration Service. It happens all the time in our State of California. It happens all the time in my particular area. I can give you example after example where it happens. It is much easier to discriminate against someone who has dark hair, dark eyes, and dark skin. It is easy to identify those people and it is easy to assume immediately that those people are illegal and everybody else is legal. I do not think it is fair.

I happen to come from a family that is of Portugese ancestry. My grandparents all came from the Azores Islands.

I will also acknowledge—I will not say which ones, but some of my grandparents were illegal when they came here. I know what it means to go through this and I know what our family went through; but I think it is unfair for some of those who have not been through it, those who do not sense the emotion, to realize and understand what my good friend, the gentleman from New York was talking about.

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

Mr. HANSEN of Idaho. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. COELHO. The emotions and the concern that the gentleman from New York was talking about, it is genuine, it is something that the people that we represent express all the time.

It is interesting to me that on a bill like this, that every Democrat in the State of California in our delegation, except one, opposes this bill; that is liberal to conservative, moderate, from all different factions of our State, all oppose this bill. In the 18 years I have been around here, I have not known that to exist.

We are not only opposing it, we are fighting it.

Some of you may think, as I have heard some people in the leadership accuse us of dilatory tactics and everything else, which I resent, it is because we strongly believe in what we are fighting for. That is why we are opposed. We are representing our constituents and if some of you had the type of constituency that we do and represent the views of our people, you would do the same thing we are doing.

We have problems and we would only ask this House and its leadership to recognize those problems and to address them.

I know that some of you come from the eastern part of this country and some of you may come from the southeastern part of this country. Certain isolated areas maybe do not understand the problems that we have in Texas and the problems that we have in California; but if you lived in our area and if you recognized the problems of our people, I think you, too, would not support this bill. I think you, too, would send it back to committee and ask the committee to do a more extensive review and see if they cannot come up with a better piece of legislation.

I am not being critical of my colleague, the gentleman from Kentucky, or my Senate colleague from Wyoming, I think they have done great work, but it is just not the vehicle. It is something that needs to be defeated and I intend to work very hard to defeat it if it is going to try to come through.

Immigration to this country has played a vital role in our Nation's growth and cultural development. Throughout our history, newcomers have strengthened and revitalized our country. My family, like the families of many in this chamber today, came here only a few short years ago. My grandparents, poor by any standard, emigrated from the Azores to build a

better life for themselves and their children, and I certainly would not want to deny that opportunity to others in the future.

We need not, indeed should not, abandon our historic policy of providing refuge to the poor and oppressed from around the globe, but at the same time we must come to grips with the new realities that face us and fashion an immigration policy that deals with the problems of today, not those of yesterday. Frontier America is gone, replaced by an America with an unemployment rate of nearly 11 percent, with dramatically higher unemployment in many industries and appallingly high unemployment among youth who are minority-group members. Our increasingly scare resources, our own economic problems, and our own social fabric demand a rational immigration policy.

The United States, for all of its generosity, simply cannot continue to accept all of the people who wish to come here. According to demographers, the world' population in the next 11 years will increase by 1 billion. We must face facts, whether we like them or not. The greatest threat to civilization aside from nuclear war is the population explosion.

How far do we want to thin out our already thinned out resources and services available to the millions of American citizens who are poor and who are certainly keenly aware of and apprehensive about the masses of people abroad just waiting to immigrate here? To those masses, the United States can offer food, supplies, and leadership in the future, but it surpasses even our power to offer a physical home to all of the poor and homeless. We will continue to do what we can, where we can, as we have always done, but we must balance our generosity with the needs of our own society. We can help no one if our land, resources, and environment are drained and our social system is in ruins. We must stop illegal immigration, and bring legal immigration, including refugee admissions, under control.

The bill before us is far from perfect, as its sponsors acknowledge, but it is basically a good bill, and I support its basic thrust—to impose some rational, orderly control over immigration. While enforcement at our land and sea borders is important as a preventive measure, it is only partially effective. The economic incentive to illegal immigration—employment—must be removed and the only way to do this effectively and fairly is through employer sanctions and a fraud-proof enrollment and verification system that applies to all employers, those who recruit or refer for employment, and to all job applicants. I recognize that there are those who argue that employer sanctions would only increase discrimination against minorities, and certainly there is reason for Hispanics and others to fear that employers, faced with the prospect of stiff penalties for hiring illegal aliens, would simply refuse to hire anyone who looked or spoke "foreign." That is why I concluded years ago that a simple but secure system of identification was the key to a workable program, as it would protect employers and those who refer or recruit people for employment, as well as members of minority groups legally in this country. As a matter of fact, because I believe so strongly that a national identifier is a prerequisite for any effective program of employer sanctions, I intend to offer an amendment to require implementation of such a program in 2 years instead of 3.

I also feel it is unreasonable and unfair to place the burden totally on employers, and will, therefore, offer amendments to extend the requirement for checking identification to all those who employ, or refer or recruit for employment, including those with three or fewer employees.

With respect to legal immigration, I will support efforts to reinstate an annual ceiling, to include refugees and asylees. That ceiling must be consistent with our own national interest, with consideration of, but not controlled by, worldwide pressures to immigrate here. Our own needs should determine our immigration policies and admission numbers. There should be no loopholes in the ceiling, but there should be sufficient flexibility to respond to emergency situations. Only with this kind of strong, firm congressional action can the President stand up to other nations and require them to share the burdens of controlling refugee and immigrant flows. I do not agree with those who argue that by putting immigrants and refugees under one ceiling, the humanitarian and human rights values for which we stand as a nation would be seriously questioned. We are a generous and humanitarian people and we have never failed to respond to true crises and emergencies abroad. Should such a crisis occur in the future, I have no doubt that the American people would open their arms and their hearts as they have done in the past and, if necessary, compel Congress to respond with special legislation.

Like so many people who have studied our illegal immigration problem, I find myself frustrated by the legalization or "amnesty" issue. To the exent that a program rewards lawbrakers while penalizing those who have obeyed the law, I consider it unfair. On the other hand, I feel that it would be unrealistic as well as inhumane to round up vast numbers of people whose presence in this country has been tacitly condoned over the years by lax enforcement of our laws. A humane solution to this difficult problem is needed, but in our humanity for the unfortunate illegal immigrant, we must not overly burden the American people. By definition amnesty involves a "forgiveness" of those who have broken the law. We certainly have the capacity to forgive but it is not unlimited, and I believe we can fashion a just and fair amnesty program which would neither cause resentment on the part of those who have chosen to obey the law nor encourage further illegal immigration. Various legalization options are expected to be considered by this body, and I intend to offer one designed to delay implementation of the program until after the President has certified to Congress that the Immigration Reform and Control Act has been effective in controlling illegal immigration.

Finally, I feel that a key element to any program of immigration reform is an effective temporary foreign worker program to meet seasonal/temporary labor demands, particulary in the field of agriculture, when American workers cannot be found.

My district is located in the heart of the San Joaquin Valley of California, the most productive agricultural area of the world. Some 250 commodities are grown in that area, and although we are moving to mechanization in many crops, hand labor is still essential for the growing and harvesting of the majority of those commodities. For many crops, machine labor may never be able to replace human labor. Today that hand labor, or human labor, during peak harvest periods, is provided almost exclusively by illegal aliens. I do not like it, nor do the farmers particularly like it. But it is a fact of life which must be recognized and dealt with.

For a variety of reasons, not the least of which was the massive importation of Mexican workers under the Bracero program, it has become increasingly difficult to find American workers to do farm labor. If we completely sever the supply of foreign workers, without providing for some type of viable, legal alternative, I fear the economy of California, indeed the economy of the entire Southwest, would be placed in grave jeopardy, and consumers throughout the Nation would face skyrocketing prices, if not severe shortages of those commodities which they have come to take for granted.

I am, therefore, offering a number of amendments to the H-2 provisions of the bill designed to streamline the certification process and make the program more adaptable to the needs of the California specialty crop industry. These improvements are needed so that farmers, whose sole concern is to get that crop picked when it is ripe, can be assured that they will be able

to legally employ a foreign worker when no American worker is available.

Although I am offering these perfecting amendments, I remain concerned about the ability of the H-2 program to properly meet the needs of American farmers and at the same time provide a healthy competitive environment for the farmworker.

Immigration reform is a priority issue for this Nation. I have long been a strong advocate of such reform. However, I am concerned that in our haste to adjourn we may find ourselves strapped with a law which will be no better than the current one in controlling immigration, and which will only exacerbate the existing unfair and highly selective enforcement policies.

After years of turning away from the reality that the United States has lost control of much of its borders, my colleagues on the Judiciary Committee are to be commended for their earnest efforts to remedy the situation. Rather than tackle this problem on a "piece-meal" basis, the bill constitutes a comprehensive program addressing many of the ailing facets of existing law. In general, I support this integrated approach to dealing with the problem of illegal immigration in this country—a program of dealing with those individuals already residing illegally in this country with a program for admittance of workers on a temporary basis in those industries with historic difficulties in attracting domestic workers.

There is a wide divergence of opinion of the number and distribution of undocumented aliens residing in the United States. Likewise, there are differences among those who speculate regarding how many such aliens will seek to legalize their status should such a mechanism be available. I have struggled with the question of granting amnesty to those undocumented aliens residing within U.S. borders. I question whether our social service programs will be able to bear the potential additional burden this process may cause—and question the role the Federal Government should play in aiding the States with this. I am concerned it rewards those who have broken the law, to the detriment of those who continue to wait outside our borders. After much conjecture, I have come to the conclusion it is both inhuman and impractical to require deportation of all undocumented aliens, many of whom have become established community members. I wish to stress at this point, however, that the granting of amnesty in no way will alleviate other stresses on our immigration system—particularly as they emanate from our neighbors to the south and the push-pull economic factors. In this vein, it is my opinion that a key element to the success or failure of the overall approach to immigration policy will be the implementation of a program to admit alien workers to the United States on a temporary basis.

According to Leonel Castillo, former Commissioner of the U.S. Immigration and Naturalization Service:

> The U.S. is experiencing the world's largest temporary worker program—larger even than the guest worker programs of Switzerland, France, Holland, and Germany. Only ours is unregulated * * * (resulting) in the Immigration Service having to arrest over an million persons annually * * * whose crime is that they want to work in this country.

Economic factors will continue to propel immigrants to the United States. Any program for dealing with immigration must take into consideration the tremendous drawing power of the United States.

The Select Commission on Immigration and Refugee Policy pointed out that all studies indicate that undocumented/illegal aliens are attracted to this country by U.S. employment opportunities. Most come from countries that have high rates of under-employment and unemployment. As was pointed out by Carey McWilliams, in the book "North From Mexico":

> The issue has always turned on the choice between planned migration and unplanned immigration, for it is extremely debatable whether, under any circumstances, Mexican workers can be kept from crossing the border. Given the attraction of industrial employment in the United States and the ease with which the border can be crossed, Mexicans will continue to follow the old familiar paths which lead north from Mexico.

An immigration policy which fails to acknowledge this reality is doomed to failure.

At the same time, one must be cognizant of the fact that a supplemental temporary work force will continue to be needed in several industries; for example, those segments of agriculture which are particularly labor-intensive, such as the deciduous fruit industry.

Consider, for example, the swelling demand for labor in the cherry industry, where labor requirements rise from a level of 4.5 man-hours per acre in the month of March to a peak of 316 man-hours per acre during the harvest period of May to June. This meteoric rise in the demand for labor is followed by a correspondingly dramatic drop in demand, as only about 2 man-hours per acre are required in the month of July.

Studies indicate that local communities are simply unable to supply the needed labor. Employers involved in the raisin industry, as an example, have been involved in a formalized program of cooperation with the employment development department, in an attempt to document the capability of that agency to deal with the intense demand for labor for the short, intense harvest period of that commodity. Less than 10 percent of the demand for labor was filled by EDD. This problem is intensified by the diversity of crops grown in areas such as California, where over 200 commodities are commercially produced.

Because of the perishability of agricultural commodities and the whims of nature, agricultural employers do not have the option of hiring smaller crews of workers over a longer period—harvest time demands immediate attention to avoid crop loss. Because many domestic workers are unwilling or unable to accept employment for such short periods of time, a supplemental temporary work force, including some undocumented workers, has often filled the gap. There is strong reason to believe this trend will continue. An adequate work force must be available, and I strongly endorse the need to develop a flexible, responsive program to meet this need. I am offering a number of amendments to the Immigration Reform and Control Act—particularly to the temporary worker provisions in an attempt to design a program to meet the needs for labor in handling highly perishable commodities, which produce at highly variable production levels. It is difficult for such industries to accurately project the total number of workers which will be needed in advance of the season. Weather, of course, dictates demand for labor; weather patterns in some seasons bring on maturity of large volumes of fruit at once, and in other seasons may unpredictably delay ripening in some varieties. Marketing conditions may dictate that some varieties may need to be picked as quickly as possible, while some may not be picked at all for lack of consumer demand. Thus, timeliness of certifications by the Department of Labor become critical to the functioning of the temporary worker program.

There are those who would restrict the total number of workers who could participate in a temporary worker program. While I am totally opposed to displacing domestic workers with aliens—particularly in a time of high unemployment such as we are facing today in our Nation—I am convinced that there are some occupations that will always call for a supplemental work force. While some would contend that job attractiveness is directly a function of wages, I would call the attention of my colleagues to a situation in California strawberry fields this past year, in which U.S. workers left the fields shortly after their arrival, although the wages they were being paid were over double the minimum wage. Overly restrictive provisions such as unrealistic caps on eligible foreign workers will encourage continued circumvention of the law when domestic workers simply are not willing to take such stoop work—regardless of the pay.

While I have offered a number of amendments to the so-called H-2 provisions of this bill, I continue to be troubled by the fact that we do not appear to have learned much from the bracero experience. All will acknowledge the inequities and abuses in that system—frankly I fear that in many ways, the H-2 system is quite similar to the bracero program. Workers will continue to be strapped to one employer. If the employee does not like his American working situation, he has basically one option—return to his home country. At the same time, employers have no incentive for offering workers any additional benefits over the base program established by the Department. This form of indentured servitude is clearly not in the best interest of workers, nor does it provide a healthy, competitive environment for employers. I am somewhat intrigued with the so-called guest worker concept which would allow a set number of workers in the United States, with employment authorized in a specified industry such as agriculture. They would be free to work for any employer in that industry—attracted by the level of wages and benefits offered by a given employer. There are a number of ramifications of such a proposal which I believe merit further thought and investigation—thought and investigation which simply would not be possible in these waning days of the session. Like my colleagues, I think that immigration reform has been a long time coming—too long in many aspects. However, I do not believe the Congress should now move in an 11th hour attempt to push through legislation which is clearly in need of further refinement.

I am committed to seeking revision of our ineffectual immigration laws—but I am committed to making changes that will result in a workable program, developed with understanding of economic and cultural factors at work on this issue.

Mr. HANSEN of Idaho. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. MORRISON).

Mr. MORRISON. Mr. Chairman, there is no question in my mind that new immigration policy is necessary. The hours of meetings and hearings I have attended convince me that something must be done because our borders are out of control, but I question that the bill before us provides enforceable or fair answers.

Not enforceable, because I doubt that employer sanctions will work. I understand that a General Accounting Office report questions the workability of employer sanctions as evidenced by a review of results in the 19 countries where such laws are in force.

The bill is not fair, because it will result in discrimination. And it's not fair to impose an additional maze of redtape on employers because Government agencies have failed to halt the flow of illegal immigrants. It also forces an unworkable temporary workers program onto a number of comparitively small farm operations which have specialty, short-term harvests.

Other speakers have expressed the concerns of the Hispanic community. On behalf of thousands of my constituents, I echo these sentiments. Perhaps the best use of my time, and yours, in this debate would be to concentrate on the areas in which I have many years of experience.

I refer to my 25 years as a farmer in central Washington State. The crops grown there are diversified, but include many that are very labor intensive. Add the dimension of highly perishable products, with short, weather-dependent harvests, and you have a most difficult situation. The gamble in this type of farming is reflected in the fact that the average fruit grower in Washington State has fewer than 100 acres. The risk is so great that major corporations and conglomerates have refused to invest.

These same growers, mostly operating on small family farms, ask for no Federal support or subsidy. They also ask not to be made the enforcer of immigration policy. The specialty harvests to which I refer have always depended on temporary, short-term labor. Since the State of Washington is far removed from the normal migrant worker stream, agricultural wages in the Northwest are the highest, or among the highest, in the Nation. For several decades, citizens from the great States of Oklahoma and Arkansas joined local workers in harvesting these crops. Now many of these former migrants own their own farms in the Northwest.

In recent years, Hispanic workers have increasingly filled this need for short-term specialty harvests. They have left field work and row crops, which have become mechanized, and filled the need created by the growth of the asparagus, cherry, pear, apple, grape, and hops industries. These Hispanic workers come from Texas and California, attracted by piece rates that reward their aggressive work habits. There is no argument that, since the termination of the bracero program, this migrant stream has been joined by an unknown percentage of illegal immigrants.

By specialty harvests, I mean a matter of a few days of work, somewhat unpredictable because of weather. The professional migrant and aggressive local worker work for a number of employers and have a pattern they have followed for years. You don't hear about them because they arrange for their own housing and transportation and they earn very good wages.

My description of these farm operations brings me to this point. Employers will have difficulty positively identifying a large crew of workers arriving before daylight in the field. An inflexible temporary worker program will leave many crops unharvested, meaning thousands of lost jobs for those local citizens working in the packing, processing, storage, and transportation industries. Prices to consumers will go up, and our balance of trades will suffer further erosion. The farmers I represent are in financial difficulty now, and this legislation could be devastating. They have trouble understanding, because today, under Washington State law, they cannot legally ask the questions necessary to determine a worker's legality, and tomorrow, under this bill, they could be in jail for hiring someone they couldn't identify.

When I read the current requirements of H-2, I have to seriously question whether or not the authors of these regulations have ever visited the Pacific Northwest to observe how unique the needs of our labor-intensive specialty agriculture is. Workers must be able to move freely over large geographical areas to meet the needs of many growers as the harvest season progresses.

The H-2 program now in place has been bogged down with redtape and subject to uneconomic requirements to the point that it is unworkable for a large short-term labor need. Although my preference would be for a temporary guestworker program, I have drafted several amendments to improve the legislation to make it acceptable to those farmers who hire workers for the short duration of 20 days or less.

My amendments are simple. The first would mandate that the State employment service be responsible for the legality of the workers it refers. A worker would receive some sort of verification from the agency he could bring to the prospective employer to prove that the State service had checked out his legal papers and relieve the farmer of additional paperwork when the worker arrived.

My second amendment also is designed to alleviate burdensome paperwork from the farmer. As I stated earlier, there are nearly continuous harvests occurring throughout the Pacific Northwest and many farmers grow several different corps. Some of the workers pick cherries for one farmer, go to another in the area and pick peaches and return to the original farm in the fall to pick apples. I believe that it is totally unnecessary for that farmer to have to redocument the legality of the same worker each and every time he returns for employment. My amendment would eliminate the requirements for filling out paperwork

under certain restrictive conditions depending on the legal status of that individual.

There is very little housing available on the west coast that would satisfy the rigid requirements of certified H-2 dwellings. It would be a prohibitive proposition for individual farmers to construct housing on their property for a short harvest which can be as little as several days in duration. Farmworkers in the Northwest are extremely family oriented. Many workers now live with other family members and I am proposing an amendment to allow this practice. I want to give the employer and the employee the option to substitute payment of a reasonable allowance in lieu of the actual furnishing of housing accommodations and meal preparation facilities. I only wish that all Members would have the opportunity to witness how easily this could be accomplished and how readily it would be accepted by the farmworkers in some areas of the country. I do not view these changes as the answer to the agricultural labor problem, but I do see them as a way to improve upon the disastrous impact this bill would have on the economy of the Northwest. Passage of this bill in a form which does not provide for an adequate labor supply will not only cripple the fruit industry but hurt related industries such as the timber industry which supplies the packing cartons, the rail and trucking industries, and the various ports which handle export cargo.

In conclusion, I join Members of Congress in agreeing that we need a new immigration policy, and commend the Judiciary Committee and its subcommittee members for their efforts. For my district their answers fit neither the Hispanic community nor the employers. By amendment, I trust the iegislative process can consider the special regional needs of the Northwest.

□ 2330

The CHAIRMAN. The gentleman from Washington (Mr. MORRISON) has consumed 8 minutes.

The Chair now recognizes the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have listened to tonight's debate and I know that many of the Members are genuinely sincere about their concerns, and I want to express again what I expressed last night, my deep concern about the victimization of the so-called undocumented worker.

I would like to also point out that over 34 years ago when I first came to the Congress I was aware of the inequities in our immigration laws. The then McCarran-Walters Act, discriminated against people because of their place of birth.

I point with some pride to the efforts that I made in finally helping those who championed the cause of justice and equity and fairness in our immigration laws by bringing about the elimination of the national origins quota system.

However, notwithstanding the fact that we improved the system back then in 1965, we found, nonetheless, that there were certain areas of our immigration laws which really were not working.

I proposed a longtime back that because of the closeness of the country of Mexico, because it is allied with us and has been allied with us for a great period of time that we provide special immigration benefits for these countries. I attempted to increase the quotas from Canada and Mexico because of our special relationship with those countries.

This did not come to pass. Because many of these people could not come here legally, they come illegally across our borders to find job opportunities, so they could provide for themselves and their families. These are the so-called undocumented workers who continue to be exploited by unscrupulous employers who take advantage of their illegal status.

The numbers grew and grew. As chairman of the Subcommittee on Immigration, back in the 92d Congress, I conducted a series of hearings across the country and around the border. As a result of these many, many hearings with many, many witnesses, I recognized the difficult plight of the undocumented alien

We found then that according to the best estimates, guesstimates if you will, that there may have been some 1 or 2 million so-called illegals in the country at that time, working under conditions that certainly I would find intolerable. They were forced to live in a shadow society, not coming out into the open because they were afraid that their employers would turn them over to INS if they were to complain about their working conditions.

It was because of this that I involved myself in this problem. I must say that while I may not be of the same heritage as my friends who have spoken, nonetheless it was with this deep, sincere, genuine feeling that we conceived a policy and a program that would impose a penalty upon the employer who was taking advantage of this inhumane situation. It was then that the idea of fair employer sanctions program was adopted.

□ 2340

I believe that the bill that we have now before us is fair to the employer who is well intentioned, who does not intend to discriminate. All he needs to do is request documents, existing documents—not just of those who are of a different color, but of all those who are hired. This certainly does not intend discrimination, and of course it may be that that very employer whom we now are talking about is going to use that as a cloak, as a screen, to say, "Don't impose these penalties on me because then I may be compelled not to hire a person who may not speak the language or who is of a different color."

Are we going to provide this employer with the opportunity to hide behind this hyprocritical argument? That is what we are doing. I am saying that any employer who is well-intentioned, who wants to pay a fair, decent wage, will comply with the requirements of this legislation. It is only when he knowingly hires an undocumented alien that he will then be called to the bar of justice. If he has acted in good faith and shows that he has examined identity documents—a simple passport, a driver's license, a social security card—he has no problem. Why do we impose burdens on the employer? Because unless we do something we are going to continue to give the employer the ability to hide behind that cloak and abuse these poor people who come here looking for opportunities. They are going to live in a subculture. Their children will not be able to say, "My father and my mother who are here with me are permanent residents," as this legislation would provide for many such aliens.

I have stated unequivocally that without legalization I would not support this measure. I am a realist. I understand that we do have maybe 10 million undocumented workers, and I believe that it is important that we recognize too that unless we take action we are going to have a greater force, odious alternatives, such as an investigative force, going out to round up these people and then to deport them.

I ask my friends, do we want to continue to allow employers to take advantage of those who have come here seeking a better lot in life. Do we not want to give them an opportunity to come forward and be legalized?

I was for a more generous legalization provision, one that would bring it up to 1982. Unfortunately, my proposal did not prevail in the committee, but I believe it is important so that these people may come out in the light of day and be able to proudly present themselves as participating members of our society. In a period of time they would become citizens of this country if they so desire. I believe that this is what this legislation is all about.

When the administration came to me some 2 years ago, I stated to them unequivocally, "If you are seeking employer sanctions you will not be able to get them unless there is a legalization provision."

I do not want to take any more time except to read a letter from the Attorney General which is, I think, important. This letter from the Attorney General to me, dated December 9, says:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C. December 9, 1982.

Hon. PETER W. RODINO, Jr.,
Chairman, House Judiciary Committee, Washington, D.C.

DEAR MR. CHAIRMAN: I am writing to you on the eve of the House consideration of H.R. 7357, the Immigration Reform and Control Act of 1982, to underscore the Administration's unwavering support for its passage in the closing days of this session. Few matters before the Congress are of equal importance. Few laws could contribute as much to our nation's future prosperity and security.

I am writing to you also to express my deep concern regarding certain amendments which may be offered in the course of House consideration of the bill. As I have stated on other occasions, I believe it would be unfortunate were the Congress to undertake at this time significant change of our laws governing the legal admission of immigrants and refugees. The most pressing issues facing us do not concern legal immigration, but accelerating illegal migration and mass asylum. I firmly believe that Congress should concentrate in the few days remaining in this session on these latter problems, which your bill so thoughtfully addresses. For this reason, I strongly urge that consideration of changes in the legal immigration system be deferred for another day.

The Administration also would oppose efforts to eliminate the legalization provisions of the bill. These provisions deal realistically and humanely with the sad fact that more than three million persons entered this country illegally in a time when our immigration laws went unenforced. With the passage of this law, that time of neglect will end. But as a practical matter, we could not now search out and deport all these people, even if we chose to do so. Nor can this great nation long tolerate the existence of a hidden foreign people within our borders, living apart from American laws. The legalization provision of the bill promises an end to this situation. To take it from the bill would undo the essential balance so carefully maintained until now. I recommend that this not be done.

I want to express again my gratitude for your years of work and leadership on behalf of these reforms, and our readiness to do all we can to assist you as the House takes up this important legislation.

Sincerely,

WILLIAM FRENCH SMITH,
Attorney General.

Mr. Chairman, the hour is late, and I believe it is later than we think about having to deal with this problem. If we do not take action, the problem is going to fester and grow. Undocumented aliens will continue to come. We do not want them to be made scapegoats because they are being looked at, as, pointed out, as those who are taking jobs from others who are legally here. They will not be able to come forward and take advantage of legalization. They will continue to live as part of a subculture, a society that unfortunately that will never be free. I believe they are entitled to be given the opportunity to be made permanent residents.

Mr. KAZEN. Mr. Chairman, will the distinguished chairman yield?

Mr. RODINO. I yield to my friend.

Mr. KAZEN. Mr. Chairman, let me commend the gentleman for the work he has done in this field throughout the years that he has been a Member of this body. I have no higher respect for anyone else in this field than I do for the gentleman from New Jersey.

I recall some of the bills that he has brought to the floor. We have debated them. I have part of the debate on his bill on March 3, 1973, 10 years ago. We debated this very same thing that we have heard here tonight, employer sanctions. As the gentleman might recall, his bill passed the House. On several occasions we debated it.

At that time, as the gentleman will recall, I was one of the few voices that were raised on that particular issue. As the years have passed, the gentleman will witness the amount of testimony now on that one particular provision.

□ 2350

But let me ask the gentleman one question. I do not want to take up his time.

Mr. RODINO. Yes, because I promised to yield to the gentleman from Texas, a member of the committee.

Mr. KAZEN. I understand. This is why I have been fighting against bringing this bill up at this time, at 10 minutes to 12 o'clock, and I have no time of my own. But I want to get things straight on legalization which the gentleman has just testified to.

What is the provision that is made? We are going to legalize aliens who have been here since when?

Mr. RODINO. 1977.

Mr. KAZEN. What happens to those who have been here?

Mr. RODINO. Those who have been here before 1977?

Mr. KAZEN. Yes.

Mr. RODINO. Those who were here before that date, of course, will be given permanent resident status.

Mr. KAZEN. That is what I want to know. Is that provision in the law?

Mr. RODINO. As a matter of fact, it is two-tiered because those who were here before 1977 will be eligible for permanent residence status. Those who have come in between 1977 and 1980 would be temporary residents and would have to wait a 3-year period before becoming permanent residents.

Mr. KAZEN. In other words, what the gentleman is doing is legalizing everyone who was here illegally up until 1980; is that correct?

Mr. RODINO. Yes.

Mr. KAZEN. All right.

Mr. RODINO. It is a two-tiered process. There is a waiting period for those who came in between 1977 and 1980.

Mr. KAZEN. All right. I can understand that.

Now, how do we intend to keep future illegal aliens out of this country?

Mr. RODINO. By the employer sanctions, hopefully. I do not know of any other way, very frankly. My hope is that the employer sanctions will be enforced properly, and I believe the machinery is going to be there to effectively implement them, as the Attorney General has stated in a recent letter to me. We hope that the administration will do what we believe is necessary in order to control our border and impliment this program. Beyond that, I cannot say.

Mr. KAZEN. All right.

Mr. Chairman, I have the report out of the committee on H.R. 6514, but I understand that the bill that is under consideration is H.R. 7397, which was just introduced here recently, last week?

Mr. RODINO. It is the same bill with two technical changes. It is a new bill number, however.

Mr. KAZEN. All right.

Under the provisions of that bill, and according to what I have in this report, the President is given the authority to reform this system in order to make it more secure.

Mr. RODINO. To find a more secure system, but not with any national identifier, because that is explicity prohibitied.

Mr. KAZEN. Mr. Chairman, let me read this to the gentleman and see how he interprets it. This says that nothing shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards.

Mr. RODINO. That is right.

Mr. KAZEN. But further down it says that if the system requires individuals to present a card or other document designed specifically for use for this purpose, the purpose of hiring, then that card must be carried on one's person at all times.

Now, is that not a national identification card?

Mr. RODINO. Where does the gentleman read that?

Mr. KAZEN. I am reading it from the bottom of page 3 of the report.

Now, in one section it shall not be, and in another you say they shall issue cards.

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

Mr. KAZEN. And you say they must be carried on one's person at all times.

Mr. MAZZOLI. Mr. Chairman, if the gentleman will yield, I think the gentleman from Texas is misreading the language. If the gentleman would bear with us.

Mr. KAZEN. Yes, certainly.

Mr. MAZZOLI. Under the terms of the bill, any material which would have to be carried or any material

which would have to be presented at the time of employment—let me read this, if I may.

Mr. KAZEN. Read section (c), with the parentheses.

Mr. MAZZOLI. Let me just read from page 8 of the bill which, of course, is before the House tonight.

If the system requires individuals to present a card or other documents designed specifically for use for this purpose—

Which is to get benefits under this bill—

at the time of hiring . . . then such documents may not be required to be presented for any purpose other than under this section . . .

That is to gain benefits under the bill, not to be carried upon one's person. So actually the bill says you may not be required to carry it.

Mr. KAZEN. But that is changed from the way the language is printed in the report.

Mr. MAZZOLI. No. If it is, I appreciate the gentleman's pointing out a typographical error.

Mr. KAZEN. It says, to be carried on one's person.

Mr. MAZZOLI. If the gentleman would look at the bill——

Mr. KAZEN. But I say then, there is a discrepancy between the bill and the report.

Mr. MAZZOLI. No, there is no discrepancy in the bill.

Mr. KAZEN. There is a discrepancy between the bill and what is printed.

The CHAIRMAN. The Chair would like to point out to the gentleman from New Jersey (Mr. RODINO) that he has 3 minutes remaining.

Mr. RODINO. I yield my remaining 3 minutes to the gentleman from Texas (Mr. SAM B. HALL, JR).

Mr. SAM B. HALL, JR. Mr. Chairman, I would like to make two observations that appear in the report of the Select Commission on Immigration. The final report stated that increased enforcement capability should be an integral part of recommendations to curb the flow of immigration.

In the report of the committee at the bottom of page 6, it says it is the sense of Congress that an essential element of the program of immigration and reform established by this act is an increase in border patrol and other enforcement activities of the Immigration and Naturalization Service, and that the increase in the level of the border patrol must be done to achieve an effective level of control of illegal immigration.

Let me point this out. We have been talking in the last 2 days about the people who are in this country. I would like to state that I have asked my staff to check with the immigration people, the Immigration and Naturalization Service to come up with some information, and I think it should be made a part of this RECORD.

One is that the length of the area between the Mexican border and the United States of America consists of 1,933 miles. The Canadian coastline is 3,000 or say 3,900 miles. We talk about an increase in border patrol.

The number of border patrol officers in the United States on duty as of the end of October 1982 was 2,600. The number authorized by Congress was 2,800. We are 214 short because there were insufficient funds to pay and equip that many people.

Now, one might ask, how many people do we have on line watch? There are 774 officers engaged in line watch, which means efforts directly on the border. That is a ratio of one man for every 12 miles. The ratio of one to every 12 miles is arrived at by stating that 40 percent of the agents service and productive hours is directed on line watch. That is on the border itself.

After we take into consideration shift sizes, weekends, sick leave, and so forth, we have only 155 officers on line duty at any given time between Mexico and the United States of America. Now, 155 divided into 1,933 miles of border gives us 12.47 miles per officer. Now, these agents are concentrated at high density crossing areas, for example Chula Vista, Calif., where we visited, which has a ratio of 4.5 men for every 1 mile.

The CHAIRMAN. The time of the gentleman from Texas (Mr. SAM B. HALL, JR.) has expired.

Mr. SAM B. HALL, JR. Mr. Chairman, I would like to have an additional 2 minutes.

Mr. MAZZOLI. Mr. Chairman, we will yield 2 minutes of our time to the gentleman from Texas (Mr. SAM B. HALL, JR.).

The CHAIRMAN. The Chair would like to advise the gentleman from Kentucky that all of his time has expired.

Mr. HANSON of Idaho. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Texas (Mr. SAM B. HALL, JR.).

Mr. SAM B. HALL, JR. Mr. Chairman, the Arizona desert has a ratio of approximately * * * for every 40 miles.

Now, the immigration people tell us that the manpower required in the cost of improving the line watch—I am talking about people on the border itself—by two-thirds would call for 1,700 new employees at a cost of $74 million, say $75 million, to bring in 1,700 people plus equipment.

What is the equipment that they use? Walking patrols, squad cars, helicopters, electronic sensors buried in the ground, infrared night scopes, horses, which is the most cost effective, trail bikes, and airplanes.

They state to us that if they have more people—and this was brought up last night very effectively and it was brought up again tonight—what are we going to do in the future. We are not going to do anything but continue what we have now. If we do not have enough people patrolling the borders of the United States of America.

□ 2400

I have some problems with this bill. One of the big problems is that we have not properly faced up to patrolling the borders between Mexico and the United States. We cannot do that without the help of the Government of Mexico.

It makes no difference how much talk we can do here tonight. Unless the Mexican Government has been brought into focus on this entire problem we are going to be found wanting when this bill gets up to final passage.

Mr. CONYERS. Mr. Chairman, will the gentleman yield for a question?

Mr. SAM B. HALL, JR. I yield to the gentleman.

Mr. CONYERS. Does this bill add one single patrolman or security officer to the shorelines?

Mr. SAM B. HALL, JR. As far as I can determine, it does not add any. It makes a statement that we must do that but it makes no requirement that it will be done.

Mr. CONYERS. I thank the gentleman.

The CHAIRMAN. Before recognizing the gentleman from California (Mr. MILLER) the Chair would like to state that the gentleman from New York (Mr. FISH) has 12 minutes remaining; the gentleman from California (Mr. MILLER) has 20 minutes remaining; the gentleman from Illinois (Mr. ERLENBORN) has 27 minutes remaining; and the gentleman from Idaho, Mr. HANSEN, has 12 minutes remaining.

The Chair now recognizes the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I yield 5 minutes to the gentleman from New York, Mr. SCHEUER.

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

Mr. SCHEUER. I am happy to yield to my distinguished colleague from New York.

Mr. WEISS. Mr. Chairman, I rise to express my support of the Education and Labor Committee amendments to H.R. 7357, the Immigration Reform and Control Act of 1982. Key provisions of the Simpson-Mazzoli overhaul of immigration policy hinge on the implementation of provisions to protect both American and temporary alien workers, and I am deeply concerned that in all cases these provisions are made fair, reasonable, and just. Although you would probably find very few members of this Congress and very few Americans who do not believe that our immigration policy is in need of change, it would be a grave mistake to permit pressure for rapid reform to

interfere with the rights of the people who will be affected.

I want to commend, at this time, the distinguished chairman of my committee, the gentleman from Kentucky (Mr. PERKINS), for his determined effort to insure that the education and Labor Committee had an opportunity to review and recommend changes in those provisions which fall under its judisdiction. I also want to commend the gentleman from California, (Mr. MILLER), the chairman of the Labor Standards Subcommittee, for his work in offering a reasonable substitute for section 211 of H.R. 7357, pertaining to the temporary guestworker H-2 program.

The changes set out by our committee stregthen the H-2 program proposal found in the bill and passed by the Senate. Under current law this program is relatively small and is designed to help employers meet short-term labor needs. Labor Department regulations set out over the history of the program have protected domestic workers from adverse effects of temporary alien workers. Regulations under current law also offer fundamental labor protections for temporary agricultual alien workers, ensuring a fair wage and reasonable working conditions.

The program has operated smoothly, efficiently, and effectively, meeting employers' needs and protecting American and alien workers. Nearly 100 percent of applications filed for temporary workers have been granted, with the program maintaining a steady size of between 17,000 and 20,000 during the past decade.

Yet the rewrite of the H-2 program expands the program perhaps as 25 times. With more than 12 million Americans out of work, it would be unfair to bring perhaps as many as 400,000 temporary alien workers to this country. Further, the weakening of requirements that employers first determine that American workers are not available to meet their needs would result in dislocation of still more American workers.

The bill's provisions for the H-2 program are unworkable and, more important, unenforceable. Indeed, Labor Department officials have testified that enforcement under current law is barely manageable. It would be a disservice to both American and temporary alien workers to put in place a program that cannot be properly managed nor can it be enforced.

The amendments to be offered by our distinguished chairman and by the gentleman from California would vastly improve the bill. American workers would be given reasonable protection by these amendments, and temporary aliens would be assured of sufficient labor protections. I urge support for these amendments.

Mr. SCHEUER. Mr. Chairman, I would like to take this opportunity to express my appreciation to the members of the Judiciary Committee, Chairman RODINO and Chairman MAZZOLI of the Subcommittee on Immigration, Refugees, and International Law, for the outstanding job they have done in bringing this bill before the House.

Last Friday I placed in the RECORD two recent news articles from the New York Times which I think underscore one of the most serious problem areas in the legislation—our open borders.

One article dealt with the increasingly common phenomenon of 9 months pregnant women from Mexico, walking across the border in time to deliver their children on U.S. soil, so that they will be U.S. citizens.

The other dealt with a specific case of refugees from the impoverished Asian nation of Bangladesh who are also increasingly finding their way into our country in order to escape the terrible grinding poverty in their own part of the world.

They came from Bangladesh to East Berlin, whence they took the subway to West Berlin, flew to the Bahamas and made the last leg of their Odyssey by boat to the Florida coast.

In each instance, the specific cases are poignant examples of the larger problem of how our unsecured borders form part of the irresistible pull process that attracts illegal immigration like a veritable magnet.

To pass this legislation without first establishing full control over our borders will be a shot heard around the world, a signal that the rush to America is on.

Let us set aside for the moment the "pull" factors—the attractions of America—specifically the jobs magnet—to illegal immigrants.

They are well-known and need little amplification here today.

The real problems are the factors which push refugees out of their own countries.

Those problems are primarily explosive population increases in the Third World and the corresponding inability of Third World countries to provide adequate jobs for the millions of unemployed and underemployed who are already straining their economies.

In Latin America, despite some progress toward reducing the rate of population increase, the population increase in absolute terms is now projected to rise from its present level of 360 million to 845 million by the year 2025.

Throughout Latin America, the total labor force, both employed and unemployed, will increase from 100 million at present to more than 314 million by 2025.

For Mexico and Central America, the labor pool will double in size from 26 million today to 53 million in just 18 years, in the year 2000, and will reach more than 93 million by the year 2025.

From now to the end of this century, roughly 1.2 million jobs need to be created annually in Mexico and Central America just to keep even with today's staggering rate of 50 percent unemployment and underemployment in Mexico.

Compare this with the 2 million jobs created annually in the United States during the 1970's and the fact that Mexico and Central America's economies are a mere 6 to 8 percent the size of the American economy, and the full scope of the problem begins to emerge.

Our hemispheric neighbors to the south face an impossible task.

Even though they are making admirable progress toward bringing birth rates under control, the children already born will increase the labor pool exponentially—far beyond the present capabilities of their economies to create jobs.

This in turn creates the irresistible push factors leading to illegal immigration.

Latin America will need to increase its job creation by 10 times its present rate.

In an atmosphere such as this, a blanket declaration of amnesty without our gaining full control over our borders will be an irresistible invitation to massive shift in migration unparalleled in world history.

My amendment seeks to avoid this snowballing avalanche of illegal immigrants pouring across our borders in search of jobs—legal or illegal—by deferring any amnesty until after we have secured and controlled our borders.

Failure to address the border security problem will make a mockery of any immigration policy, no matter how carefully we may craft our intentions.

I urge your support of my amendment.

Mr. FISH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this has been, in my judgment, an extremely moving debate, subdued and compelling. I guess the lucky people in the District of Columbia this evening are those who are sitting at home and receiving these full proceedings live on their television sets.

Mr. Chairman, earlier I expressed regret that this important matter had been given the lowest priority in a day and in a week marked by trivial matters and wasted time on measures which the other body is not going to consider.

My feeling, as the evening went on, has turned to anger that because of this outrageous scheduling our colleagues have been denied the benefit

and the impact of this evening's debate.

I further regret that the gentleman from New York, my friend, Mr. GARCIA, and the gentleman from Texas, Mr. DE LA GARZA, had not shared their deeply felt feelings with those of us on the committee before.

We picked up this concept of employer sanctions from the Select Commission headed by Father Hesburgh. The vote was 14 to 2. Voting were such people as Father Ted, Senator KENNEDY, Chairman RODINO, our former colleague Elizabeth Holtzman, and four members of the Carter Cabinet, Pat Harris, Ben Civiletti, and Secretaries Marshall and Muskie.

I would like to think that in this bill we have addressed the issues of discrimination related to employer sanctions. There are four separate provisions in the bill that go to this point, one that particularly addresses the concerns expressed last night and again tonight that an employer will fear taking a chance on a particular job applicant.

I refer my colleagues to proposed section 274(A)(a)(3) on page 4 of the bill.

Mr. Chairman, my comments on this issue and on the suggested alternative to employer sanctions—enforcing labor laws—will follow.

Mr. Chairman, central to the opposition expressed to employer sanctions is the fear that ethnic minorities will be subject to invidious discrimination. Four separate provisions of H.R. 7357 address this issue. The concern has been expressed in this Chamber that employers will not employ members of minority groups for fear of violating the prohibition against hiring unauthorized aliens. This is a real concern and your committee addressed it. What will overcome this possible fear? We have taken steps to provide clear protection to employers who follow certain simple verification procedures. On the other hand, failure to do so subjects the employers to possible fines. After verifying employment eligibility, which he fails to do at his peril, an employer can hire an applicant without risk. He has to follow the process or he is in violation of the law. I hope this explanation will allay the fears of my colleagues.

I am confident that we strengthened the protections against discrimination in the course of our full Judiciary Committee markup. One important provision inserted by the committee directs the Civil Rights Commission to monitor the enforcement of employer sanctions, In addition, the bill directs the Attorney General, the Secretary of Labor, and the Chairman of the Equal Employment Opportunity Commission to review and investigate complaints of discrimination. Another provision requires the President to consult with Congress every 6 months concerning the implementation of employer sanctions—including possible discrimination in employment.

The very extensive monitoring and reporting mechanisms are an expression of the importance the Judiciary Committee attaches to guarding against discrimination. We are confident that existing civil rights legislation, State and Federal, will provide an important measure of protection in many cases of discrimination based on national origin. Congressional oversight, moreover, will help assure the statute is properly enforced.

Enhanced enforcement of labor standards laws will not stop large numbers of illegal aliens from entering the United States. This is true for the following reasons:

First, only 9.6 percent of interior apprehensions by INS in fiscal year 1982 involved aliens paid less than the minimum wage. Even when fiscal year 1982 border patrol apprehensions are added, only 11 percent of employed illegal aliens were receiving less than the minimum wage. This data clearly indicates that employers are hiring illegal aliens because of their availability and perhaps also their reluctance to press for higher wages. Although the wages of many illegal aliens may be depressed, the critical point is that their wages are within legal limits. For this reason, enhanced enforcement of wage laws will not solve the problem although it may help to a limited extent.

Second, enforcement of labor standards laws does not reply on a massive Federal presence but on the willingness of workers to file grievances. Illegal aliens generally are unwilling to file the complaint which trigger enforcement efforts. The Congress is not likely to appropriate the large sums of money that would be required to have a massive Federal presence. Such a presence, in any event, would be inconsistent with the kind of country most of us want.

□ 2410

I ask my colleagues, because I will not take any more of their time tonight, to give these insertions in the Record the same attention that I have given to the expressions of concern that have been very meaningful to me this evening.

Mr. HANSEN of Idaho. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, sometimes it takes humor or an analogy to make a point. During the height of the crisis in human rights and civil rights in my district, we had a local supermarket that printed a subject that I thought was rather interesting. It says under the title, "Illegal Alien Bananas":

Botanists have confirmed to Swensen's Markets that it is technically possible to grow bananas in some parts of the United States, but domestic bananas never work as well as the ones from south of the border, so foreign bananas have been arriving in ever increasing quantities and this week the Bananas Border Patrol offered to sell Swensen's a large quantity of green bananas. Well, Swensen's are no dummies (don't say anything!) and they became very suspicious why the Bananas Border Patrol, which is supposed to be watching the border (you know, keeping out illegal bananas) is selling bananas in Southern Idaho. Sure enough, the Bananas Border Patrol was just trying to cause trouble by selling illegal bananas. The whole thing gets pretty tricky because the people who use bananas can't taste the difference between legal bananas and illegal bananas. Swensen's think it's high time the Bananas Border Patrol went back to the border where they belong or else start doing some productive work—like moving irrigation pipe.

IT'S NO JOKE

All spoofing aside, this crazy border patrol is not funny—it's scary! Have you noticed that when the Border Patrol shoots somebody in the back of the head the Border Patrol quickly hurtles the witnesses back to Mexico, but when the Border Patrol thinks someone else has done something wrong they keep their illegal witnesses around as long as they want. That kind of double standard was supposed to go out when the Constitution came in. Who are these guys? Who do they answer to? Who will protect us from the Border Patrol?

Mr. Chairman, it is very interesting, in a court case, that here is one of those agents saying, "My position now is as a criminal investigator assigned as an antismuggling agent for the border patrol in the Aho, Ariz., area."

And then on page 6 it says he is talking about the fact that he is helping bring the aliens across. He is supposed to be in the antismuggling detail. He says, "As late as it was we went ahead and sorted out those aliens in Mexico."

Mr. Chairman, I think there is a travesty, when you think just how different it would be if American citizens were carted by Mexican border authorities 1,000 miles into Mexico to be traded like cattle. I think that there is something which needs to be done before we start strengthening the laws and giving more power to the border patrol.

This is extremely dangerous legislation which would grant mass amnesty to illegal aliens while making criminals of Americans for nothing more than trying to run the family farm.

Mr. Chairman, I yield 9 minutes to the gentleman from California (Mr. ROYBAL).

Mr. ROYBAL. Mr. Chairman, I take this time to compliment the gentleman from New Jersey for the excellent job that he has done throughout the years. I want him to know, and also want the gentleman from Kentucky to know that I hold them both in high regard.

I also want to make it clear that what has gone on during this debate

and during the time that we have been discussing this bill is nothing personal.

I want my colleagues to be sure that whatever has happened today is not a dilatory tactic as previously alleged.

What does exist at this time is simply a difference of opinion. I realize that just a little while ago, during this debate, there were Members of your own committee that disagreed with the bill. I am also aware of the fact that when a motion was made to recommit, that that motion failed by only two votes—13 to 15, clearly indicating that there were at least 13 members of that committee that disagreed with the contents of this bill.

So what we are talking about, then, is a disagreement as to the intent of the legislation.

I happen to believe that this bill is discriminatory and violates the civil rights of millions of individuals who will be affected the moment that this bill is signed. That it will also affect millions of individuals in generations to come.

I think that enough can be found in this bill to justify this concern. I also believe that this bill should not have been taken up in a lameduck session. This is too important a piece of legislation for that.

But then when it was taken up, we had to start debate last night, for an example, at 7:30, and 10 o'clock this evening—the last item to be considered only after not too important pieces of legislation were taken up by this House.

You will probably remember that the vote taken this evening to go into the Committee of the Whole House was 148 to 113. But there are only 20 or less Members of the House listening to this debate. The reason, Mr. Chairman, that I was seeking a more appropriate time, one that would be more beneficial, during the day perhaps, was that I wanted the Members of this House to be fully informed with regard to the various provisions of this bill.

I hope that the time does not come when a vote is taken on this bill and Members voting without really knowing what the situation really is.

During the debate, we heard many individuals here pour out their hearts, telling the few Members present just what it means or how it feels to come from the same atmosphere as that of the people who will be affected by this legislation. I know how it feels because I grew up there.

A statement was made and was made correctly that unless you live through it, you really do not know what the situation really is. I believe that while the members of this committee have done their very best that they can with all their kindness and good intentions, that they have not really addressed themselves to the gut feelings of those individuals who will be affected by this legislation.

We have tried to do our best to tell the Members about it, to inform the Members, to let the Members know what they are doing with this piece of legislation—that this legislation in its present form is not going to be beneficial to these individuals, but instead result in discrimination. But no one seems to really listen, and if they do, they do not seem to understand.

A discussion earlier clearly indicated to me that those who advocated sanctions did not really believe that it would result in discrimination itself, and the truth of the matter is that it will.

I think that this bill should be amended. I heard very distinctly and with great compassion the remarks that were made by Chairman RODINO, and I want the Members to know that I agree with him. I agree with his sentiments. I know that he wants to do the right thing. But I happen to disagree, Mr. Chairman, with the method that is being used to accomplish that objective.

I do not think that legalization on a two-tier method is proper.

The first tier are those that came in before 1977. The second tier are those who can be legalized as coming in between 1977 and 1980, these are men and women who, after receiving legalization, will have to want for 6 years before they can receive any of the benefits for which they are taxed.

For an example, they will not be able to receive aid to families with dependent children. They of course will not be able to receive food stamps and other benefits such as medicare and medicaid. And it is in doubt even at this moment whether or not they can receive moneys that they have put into a fund for unemployment compensation. For 3 to 6 years these people will pay all the taxes the same as all citizens and legal residents, but not be entitled to equal treatment with regard to benefits.

When I am told that there is no discrimination in this bill, I can only say to my colleagues that there definitely is—that the only thing they have to do is read the bill with understanding and compassion and they will conclude, as many already have, that this bill in its present form is in fact discriminatory.

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I am concerned also about the fact that our counterpart committee in the other body has altered current policy favoring family reunification by eliminating present preferences for brothers and sisters and spouses and children, making it almost impossible for an otherwise legal alien to be united with his family.

Now, what rationale and what attitude of mind prompted this action?

The worst part about all of this is that Senator KENNEDY proposed to restore the present system and proposed three amendments and each one of those amendments failed. The first one failed by a vote of 30 to 70. The other, 37 to 63, and one failed by a margin of 41 to 59.

Nevertheless, it clearly indicated that the Senate was in favor of separating families. Fortunately, the committee in the House did not agree with the Senate and I am confident that they will correct the situation when they go into conference.

With regard to a program of legalization, I agree with the committee but only in part.

H.R. 7357 provides for the legalization of certain undocumented workers who have been here prior to January 1, 1980. Much has been said about the legalization provisions. Opponents argue that a legalization program would reward lawbreakers and that the cost would be enormous.

I disagree. A generous and comprehensive legalization program is an essential component of any immigration reform legislation. The cost to society of perpetuating an underclass of exploited citizens is incalculable. It is in the best interests of this country to bring this large underclass of persons into the mainstream of our society and under the protection of our laws. A legalization program is the only realistic, humane approach to eradicating the exploitation of people living in our midst. Unfortunately, H.R. 7357, as reported out by the House Committee on the Judiciary, does not come close to addressing this pressing problem. The legalization provisions are restrictive, capricious, unnecessarily complicated, and vague thereby decreasing the possibility that few of those who qualify will come forward.

The 1980 proposed cutoff date will leave many undocumented workers without any means of legalizing their status. What does this country intend to do with all those individuals who do not qualify for legalization? Under the employer sanction provisions these people will still be eligible to work so long as they do not change employment.

The potential for exploitation and discrimination is great. Moreover during committee debate, statements were made that mass deportations and increased use of project job type enforcement were not contemplated. What then does this country intend to do with the possible millions of individuals who are excluded by the January 1, 1980, cutoff date. The Select Commission unanimously recommended legalizations as a means of remedying this problem. I urge my colleagues to take that further step and embrace a more comprehensive legalization program that is simple, humane,

broad-reaching and workable. I also believe that the legalization provisions contained in H.R. 7357 are punative. Denial of benefits to those who qualify for the legalization program is unwarranted and contrary to our tradition of equity and equality. These people contribute to the tax base which finances all these programs and should therefore be entitled to benefits. Concerns have been raised that once legalized all these people will quit working and become public charges. These concerns are unfounded. Moreover, my reimbursement amendment provides that should State and local governments incur costs above and beyond the norm, reimbursement would be received.

TAX CONTRIBUTIONS OF ALIENS

Statistics have been freely used by those who are opposed to a legalization program and want to kill it by attaching enormous costs. The most that can be said of these statistics is that they are estimates based on untested assumptions that only give half the story. When estimating the cost of legalization, revenue generated by these people must be taken into account. Furthermore, the costs associated with the removal of untold numbers must be kept in mind. This has not been the case. In order to obtain a clear understanding of cost issue, I have surveyed the present available literature on the subject and summarize for my colleagues the findings. (Cornelius, Chavez Castro, Mexican Immigrants and Southern California, "A Summary of Current Knowledge—Center for U.S.-Mexican Studies," UCSD, 8/1982.)

Most studies show that most Mexican migrants—legal and illegal—pay taxes consistent with their earnings and make a substantial contribution to the finances of public services. The majority of undocumented aliens have social security, Federal and State income tax withdrawn from their salaries. Many undocumented aliens do not file annual income tax returns thereby foregoing Federal income tax refunds.

Available data show that undocumented aliens make relatively little use of public assistance programs—welfare food stamps, et cetera. Health care is the most widely used public service. When using health care services, most undocumented aliens pay cash for out-patient services and avoid in-patient needs in order to avoid large debts. Studies show that the largest portion of taxes goes to the Federal Government—60 percent. Therefore a strong case can be made for some types of Federal reimbursement to local and State governments heavily impacted by the undocumented alien population.

Is the undocumented alien population a drain on our tax supported social services? The answer is clearly no. According to the Select Commission all the partial subsamples of illegal migrants indicate that illegal migrants pay taxes consistent with their earning levels. Data on social service usage from these studies as well as fragmentary administrative records show no large amount of utilization of taxpayers financed services. This finding has been well substantiated in California.

The Orange County Task Force (1978) found that 88 percent of illegal immigrants had social security taxes withheld regularly from their wages, and 70 percent had Federal and State income taxes withheld.

Among the long-term undocumented Mexicans interviewed by Cornelius in 10 California and Illinois cities in 1978, 9 out of 10 had regular payroll deductions for social and Federal and State income taxes.

In a study of the garment and restaurant industries in Los Angeles, 92 percent of the undocumented garment workers and 87 percent of the undocumented restaurant workers reported taxes being deducted from their wages (Maram, 1980: 56,113).

In the study of Mexican immigrants in San Diego County it found that virtually every immigrant household—legal as well as illegal—has at least one wage earner who has taxes regularly withheld from his or her pay.

The gain to the Federal and State governments are substantial because a majority of undocumented taxpayers do not file income tax returns.

One researcher found that only 21 percent of his Mexican migrant interviewees filed Federal and State income tax returns (Mines, 1981: 147).

Only slightly more than one-third of the undocumented garment and restaurant workers interviewed by Maram in Los Angeles had filed tax returns (Maram, 1980:60).

Moreover, undocumented Mexicans like everyone else, pay sales, excise taxes as well as some form of property taxes. In addition, most employers of undocumented migrants also contribute to the State and Federal governments on behalf of their employees.

A study completed in 1975 by the Los Angeles County Administrative Office estimated that undocumented aliens paid—directly or indirectly—about $38 million per year in the Los Angeles County property taxes, plus $134 million in additional Federal, State and local taxes (Los Angeles Times, July 19, 1977:18; July 21, 1977:24).

In 1978, the Los Angeles County chief administrative officer estimated the total annual tax contributions of illegal immigrants in Los Angeles County at $120 million (Hearings on Undocumented Aliens, 1978:60).

In April 1982 the chief administrative officer of Los Angeles County estimated that undocumented immigrants in the county pay a total of $2,535,300,000 in taxes to Federal, State, local and county governments each year. Of this total, an estimated $1,480,000,000—58 percent—is paid to the Federal Government; $830,000,000—33 percent—goes to the State government; $130,000,000—5 percent—to city governments; and $95,300,000—4 percent—to the county government (chief administrative officer, 1982:2). These estimates of tax revenues are based, in turn on the CAO's estimate of 1.1 million undocumented aliens in Los Angeles County in 1982. If a lower estimate of the size of the undocumented population were used, estimates of tax revenues would be reduced accordingly.

Taking into account the revenue received from the undocumented migrant, the cost of providing services to them is difficult to assess. However, studies conducted indicate that undocumented aliens do not use public assistance programs.

In the area of health care, the cost to local governments appears to be somewhat inflated.

In 1976 it was estimated that the total contribution made through taxes paid by undocumented immigrants in the State of California toward health care programs ranged from $169 million to $247 million. The next cost of providing health services to the State's undocumented population, after subtracting their contributions to the financing of health services was $59 million.

Aside from Health care, most available data show very low rates of utilization of public income transfer programs such as food stamps, AFDC and unemployment insurance.

A comprehensive study of welfare assistance in Los Angeles County found that the total cost of aiding illegal aliens in the county during 1976 represented only about 0.2 percent of the county's total welfare (AFDC) budget. Even when the U.S.-born children of undocumented migrant parents are included in the total of persons receiving welfare aid in Los Angeles County in that year, the cost was still only about 1.5 percent of the AFDC budget (Hearing on Undocumented Aliens, 1978: 56).

In fiscal year 1978-79, the San Diego County Department of Public Welfare spent an estimated $52,000 in AFDC payments for a total of 99 undocumented persons, representing only 0.1 percent of the total county population of AFDC beneficiaries (Community Research Associates, 1980).

A more comprehensive screening of welfare, Medic-Cal, and food stamp recipients in San Diego County during 1977-78 yielded a total of 317 undocumented recipients, out of a total caseload of 285,006—again, less than 0.1 percent (unpublished data provided by

V. Villalpando, San Diego County Department of Public Welfare, Sept. 15, 1978).

The most recent screening of welfare assistance cases in San Diego found 156 undocumented immigrants drawing welfare benefits or seeking them (San Diego Union, Feb. 3, 1982, p. B1). These cases represented 0.4 percent of San Diego County's total welfare caseload of about 40,000.

In one study done in Los Angeles, 7 percent of the undocumented Mexicans interviewed between 1972 and 1975 reported that they were receiving welfare, and another 5 percent said they had received welfare payments in the past (Van Arsdal, et al., 1979).

Although the overwhelming majority of undocumented aliens do not utilize income transfer programs, many fear that legalization will change the present pattern of nonutilization. Those fears are unfounded and exaggerated.

The rate of welfare—aid to families with dependent children—utilization among legal residents or naturalized-citizen Mexican mothers in Los Angeles was found to be virtually identical to that of undocumented Mexican mothers: Only 2 percent of each group received income from AFDC in 1979 (Heer, 1981: table 8).

A recent analysis of the potential impacts of an amnesty program completed by San Diego County's Office of Management and Budget concluded that such a program would not significantly change the demand for most county-provided services, and that the fiscal impacts of a legalization program upon San Diego County would be minimal (county of San Diego, 1981).

A recent study of 1,414 undocumented Mexicans in Los Angeles found that 98 percent were prepared to pay for the medical services they received (Baca and Bryan, 1980: 57).

Illegal and legal immigrants besides fearing detection and deportation by INS, also have other compelling reasons for paying all debts owed to governmental agencies. The U.S. Immigration and Naturalization Service requires all applicants for permanent residence to be clear of debt to any public agency. Moreover, the public charge exclusion provision continues to apply until the permanent legal resident becomes a U.S. citizen.

A detailed study of unpaid medical costs incurred by illegal immigrants at San Diego's University Hospital—which serves as San Diego's county hospital—found that during a 4-month period in 1976, treatment costing a total of $111,959 was provided by the hospital to 200 persons whom hospital staff identified as illegal aliens. By August 1976 when the report was completed, 37 percent of these bills had been paid by the illegal immigrants; another 38 percent were subsidized through the hospital's clinic allowance; and the remaining 25 percent were still unpaid, but not necessarily uncollectable over a longer period. The rate of nonpayment found in these cases was the same as that for legal immigrant hospital users (Health Research Services and Analysis, 1978).

A recent Federal Government study concluded that "illegal migrants have payment records about as good as citizens and that, while data collection was weak, an upper bound on the fraction of total county health care costs in Los Angeles attributable to unreimbursed bills of illegal migrants was 5 percent, far below that claimed by Los Angeles County" (Select Commission, 1980: 2).

Recent studies confirm the long-held belief that most—50 percent—of undocumented alien migrants work for employers of 20 or fewer employees, about 65 percent work for employers with fewer than 50 employees. The pattern is clear—small business is now the primary employer of the undocumented alien migrant. As compared with the total U.S. population where less than 9 percent is employed by employers having fewer than 50 employees, more than two-thirds of Mexican migrants—legal and illegal—are now employed by small employers.

Most of these jobs pay about minimum wage. Yet, because these jobs are manual, unskilled, or semiskilled, low social status, and low paying, U.S.-born workers are unwilling to take them.

Many argue that undocumented alien migrants displace U.S. workers and are thereby harming domestic workers. The problem with this contention is that one cannot compare. In the past, most of these jobs have been held by Mexican workers, legal and illegal. There are no studies that show a direct competition, where an employer has denied jobs to U.S. citizens in order to hire a Mexican. In fact, Project Jobs, recently conducted with much public fanfare by INS, clearly demonstrated that domestic workers who were hired to replace the deported undocumented worker, did not stay on the job. This pattern has also been found with companies that had been raided by INS in Chicago and other parts of the United States. What is emerging from the various studies is that wage scale is not the prevailing influence in determining whether a domestic worker will take and retain a job. Factors such as long-term job security, upward mobility, social status, and the nature of the responsibility—is the job boring, repetitive, and dirty—prevent U.S. workers from taking these jobs. Moreover, some jobs have become stigmatized and associated as Mexican thereby making them unattractive to U.S. domestic workers.

Studies that have attempted to assess the labor market effect of the Mexican undocumented alien population have concluded the following:

First, Mexican undocumented aliens hold unskilled and semiskilled jobs. In California the Mexican undocumented alien worker can be found in every sector of the region's economy from the traditional dishwater—cook to baker, electronics, and carpenter.

Second, certain industries are heavily, if not totally dependent on Mexican undocumented aliens; that is, agricultural, horticulture, construction, cleanup, garment, restaurant, and convalescent homes.

Third, most undocumented alien workers are urban and reliance of the U.S. economy is heavier on selling in urban areas.

From the above cited facts it is clear that the undocumented worker is an industrious, productive individual. They are here holding jobs, seeking a better life. It would be impractical and inhumane not to permit them to legalize their status.

I also believe that the legalization provisions are unnecessarily complicated and vague. Establishing two cutoff dates for most undocumented workers will only lead to confusion, added costs to the Government, and would diminish the effectivenesss of the program. If the objective of the legalization program is to eliminate an underclass of people who are presently in the United States, then there is no justification for creating a temporary legal resident alien class. There are enough classes for people within immigration law already. Those individuals who came here between January 2, 1977, and January 1, 1980, are as industrious and productive as those who came prior to January 1, 1977. Moreover, the creation of this uncertain temporary status prolongs the time that an individual must wait before qualifying for citizenship. On the one hand we claim that immigrants do not assimilate fast enough into the mainstream of our society, yet, by adopting the temporary status, we create unnecessary barriers. The present 5-year residency requirement for citizenship has proven quite adequate. It is counterproductive to prolong this period. In addition, we are creating an added bureaucratic layer to the process. Those who qualify for temporary residence status must return to INS after 3 years and once again be reprocessed. INS is presently on the verge of collapsing. It is well known that this beleaguered agency cannot handle more responsibility. Yet, this is what we are doing by creating a two-tier legalization process. If we truly want to wipe the slate clean, we must adopt a legalization program that is comprehensive, uncomplicated, and gives sufficient resources to those agencies who will administer the program to insure success.

Finally, as someone who represents a district that will be heavily affected by the passage of the legislation, I ask my colleagues to be realistic when approaching the immigration issue. Legalization must be seen as the only realistic, humane approach to eradicating the exploitation of a large underclass living within our borders. These people are industrious, hardworking, honest, and only seek to better their lives and provide for a brighter, better future for their children. There are no clear villains. Past failure to enforce our immigration laws, historical patterns of migration, political instability in the sending countries, and our underlying economic dependence on these workers have contributed to the present situation. If we are serious about enacting comprehensive immigration reform, then we must also accept the consequences of past failure. Legalization of untold millions of undocumented migrants living within our borders is the only viable alternative.

Mr. Speaker, an analysis of civil rights deficiencies in H.R. 7357, the Immigration Reform and Control Act shows that all three of the major provisions of H.R. 7357 either discriminate, or have the potential for causing discrimination, against those who are in the minority in this country.

EMPLOYER SANCTIONS (SECTION 101(a))

Section 101 of H.R. 7357 establishes civil and criminal penalties for any employer or entity which knowingly hires, recruits, or refers for employment of an alien not authorized to work in the United States. As a consequence of these penalties law-abiding employers may find it easier not to hire foreign-looking job applicants so as to avoid the close Government scrutiny associated with sanctions enforcement. Biased employers may use a fear of sanctions as a convenient excuse to mask discrimination intent.

H-2 TEMPORARY WORKERS (SECTION 211)

The bill codifies existing regulations governing the admission of temporary foreign workers—known as H-2 workers—into the United States. This provision could result in the entry of as many as one-half million H-2 workers who would be largely outside the protections of American civil rights and fair labor standards law. It would also discriminate against American workers by forcing them, during a period of record unemployment, to compete with foreign labor.

LEGALIZATION (SECTION 301)

H.R. 7357 gives the Attorney General the discretion to adjust the status of undocumented aliens who have been here since 1980. Those who entered prior to 1977 would secure permanent resident status. Those who entered between 1977 and 1980 would be given temporary resident status. This legalization plan is discriminatory in a number of respects:

First, aliens granted temporary residence will have de jure second-class status comparable in American history to the treatment of slaves and Indians. Temporary resident aliens will not enjoy the privilege of bringing their families here to join them, as is the normal practice when we admit new immigrants. Moreover, they will be expected to demonstrate a knowledge of English in order to adjust to permanent residence. This also is discriminatory, since no other candidates for permanent residence are expected under our laws to prove their knowledge of the English language.

Second, all newly legalized aliens—whether they be in temporary or permanent status—will be prohibited for between 3 to 6 years from receiving many of the public benefits for which they will be paying taxes.

Of these three major provisions of H.R. 7357 which pose serious civil rights problems, only "employer sanctions" are admitted by the sponsors of the bill to have the potential for discrimination. However, attempts to safeguard against such discrimination have been weak at best.

First, the Judiciary Committee has included a provision in H.R. 7357 which requires employers to inspect the I.D. of all of their new hires in order to establish their eligibility to work in the United States. Advocates of this I.D. verification system claim that it will reduce the potential for discrimination by:

First, giving employers a simple way to determine the I.D. of their employees other than by judging them on the basis of appearance; and

Second, requiring that employers inspect the I.D. of all new hires. The problem with this concept is that the I.D. verification system may itself be discriminatorily applied. Some employers, for example, who realize that the Immigration Service will be hard pressed to enforce the I.D. verification requirements, are simply going to request the I.D. of those who "look" foreign. Additionally, H.R. 7357 as reported requires I.D. verification only for new hires, not for applicants. Consequently, the bill provides no means for assuring that unscrupulous employers would not turn minorities away without being discovered, nor will there be any paperwork on record by which to determine whether this type of discrimination is occurring.

Recognizing the discriminatory effects of the sanctions, the committee has accepted an amendment to the bill which establishes an interagency task force to monitor and investigate complaints of discrimination. A major drawback to this task force, however, is that it cannot prevent discrimination. It is, at best, an ex post facto remedy with no guarantee of effectiveness. As was stated in the Civil Rights Commission report on immigration entitled, "The Tarnished Golden Door":

> After-the-fact remedies are rarely adequate to compensate American citizens and legal residents for the discrimination that prevents them from the full enjoyment of and participation in our democratic society.

The bill is also vague as to the task force's authority to decide the merits of complaints and to seek to resolve them. Further, there is no time limit for insuring that complaints are expeditiously handled. Consequently, complaint backlogs could develop which would inhibit the task force's ability to assist those who have been discriminated against.

Finally, the sponsors of H.R. 7357 have made it quite clear that they believe title VII of the Civil Rights Act is sufficient in itself to protect against discrimination resulting from the sanctions. They have failed, however, to take the following into consideration:

First. Title VII, which prohibits discrimination on the basis of race and national origin, is, like the task force, an ex post facto remedy.

Second. Title VII does not apply to employers of fewer than 15 employees, which leaves a substantial group of people outside the scope of coverage.

Third. The Equal Employment Opportunity Commission, which administers title VII, had a backlog of 20,000 cases at last count. This backlog results in a sometimes lengthy delay in the investigation and resolution of a discrimination complaint, to the detriment of the aggrieved party.

Fourth. Discrimination based on alienage was ruled by the Supreme Court in the case of Espinoza against Farah Manufacturing not to be unlawful under title VII. Thus, many of the victims of discrimination arising from sanctions, especially lawful resident aliens, would not even have a cause of action under existing law.

In light of these factors, the so-called safeguards which the proponents of H.R. 7357 believe will minimize discrimination are simply illusory.

The CHAIRMAN. The time of the gentleman from California (Mr. ROYBAL) has expired.

The Chair now recognizes the gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. LELAND).

Mr. LELAND. Mr. Chairman, I rise to express my serious and vehement opposition to H.R. 7357, the Immigration Reform and Control Act of 1982. I have had the opportunity to examine extensively this legislation, and to assess its impact as immigration reform, and have concluded that it is unfortunately a shortsighted approach. I believe this approach will not succeed, and that it will result in

the exacerbation of many serious problems confronting Hispanics, Haitians, and other immigrant groups.

A major question which leads me to regard this legislation as ultimately ineffective and not meriting House approval in its present form, is that there are no provisions which address the major "push factors," such as devastating economic conditions, which lead to immigration. It is absolutely imperative that legislation reforming immigration policy take into account the ever-growing political and economic instability of developing nations.

This bill only addresses immigration once people are within our borders. a logical approach would take into account the origins of push factors in sending countries. It is difficult to believe that internal enforcement policies such as employer sanctions will have any effective impact whatsoever.

Our immigration policies must be integrated with our foreign policy—for clearly they are interrelated. From one standpoint, our foreign policy contributes to our immigration problem. I do not think there can be any doubt that our policies toward Haiti, El Salvador, or Guatemala, have stimulated major migrations of those populations to our country. In Washington, D.C., there are upward of 50,000 Salvadorans alone. Conversely, our immigration policy has a grave effect on other nations. I would like to bring to the attention of my colleagues a letter dated December 17, from the Mexican Senate to the House of Representatives. The letter conveys a resolution unanimously passed in the Mexican Senate on December 8. The resolution "expresses the alarm and concern for the repercussions which will impact both countries if the Simpson-Mazzoli legislation is passed." The letter goes on to say that "this transcendent matter should not be considered from a unilateral perspective, but rather should be treated from a bilateral and even multilateral perspective. . ." Last, our Mexican colleagues ask that the matter be turned over to the Mexican Senate's Foreign Relations Committee for detailed analysis, so that it can be subsequently treated at the next Inter-Parliamentarian Conference.

My colleagues, it is clear that passage of this legislation will have serious adverse impact on Mexico, and on our relations with Mexico. I cannot help wondering why the matter was never taken up by our Foreign Affairs Committee.

Given these considerations, I do not think we should go ahead with the approval of this bill. There is still much in this bill which needs to be studied and refined. The prevalent attitude in this body seems to be that because the legislation has come this far, and because something urgently needs to be done, that we should approve the bill. This attitude is wrong, and can only breed poor and inadequate public policy. This attitude is more concerned with convenience and expedience, than with thoroughness and effectiveness. If we approve this bill, we will have to come back in a couple of years, again asking for a band-aid approach.

I do not think we can afford such a shortsighted policy that will result in more dangerous problems to us and to our neighbors. I urge my colleagues to oppose this bill.

Before I present my detailed views of this legislation, I would like to provide my colleagues with a historical perspective which clearly reflects how the U.S. Government has over the last 80 years stimulated, encouraged, and implemented policy calling for the importation of Mexican labor for agricultural purposes. This history does provide a view that underscores the role this country has taken in encouraging undocumented flows when it was economically advantageous.

Since 1917, this country has operated a temporary guest-worker program of one type or another. In fact, this country instituted that first such program as a result of conflicts between immigration restrictionists against Mexicans employers. The U.S. Department of Labor resolved this conflict by utilizing the ninth proviso of the Immigration Act of 1917 which gives the Secretary of Labor discretion to admit the temporary importation of Mexican contract laborers. It is ironic that such a program would be enacted after such a period of antiimmigration, however, it does reflect the insatiable demands by U.S. employers for cheap labor. Prior to 1917, this demand had been met by other immigrant groups and was not to be hindered by such sentiments. This insatiable appetite was satisfactorily fed by the initiation of the first bracero program which allowed the Secretary of Labor to exempt Mexicans from the head tax required of each immigrant and the ban on any immigrants over age 16 who could not read. These workers were primarily to be employed in agricultural labor. Accompanying this program were rules and regulations designed to protect the worker, however, they were never effectively enforced. The program was justified as being a national defense policy and should have terminated after World War I terminated. However, the program continued until 1922 and was only terminated then because employers could no longer justify it as a national defense policy. During its existence, 76,862 Mexicans were recorded as entering the country while only 34,922 were recorded as returning to Mexico.

Again, during World War II, employers, primarily in the agricultural industry of the Southwest, had lobbied to establish another bracero program to deal with so-called labor shortages due to the war. Despite the fact that the Mexican Government opposed such a program—hiring of Mexican citizens by foreign nations is prohibited by article 123 of the Mexican Constitution of 1917—despite the flourishing of the Mexican economy during the 1940's, despite the fears many Mexicans held due to the repatriation movement, was negotiated in August of 1942. The program was to terminate in 1947, however, employers appeared to benefit from it so much, and the Federal Government worked the other way, that the program was continued informally and without regulation until 1951. At this time, the program was once again formally enacted by Congress but finally terminated by the United States on December 31, 1964. This program was accompanied by numerous protections but once again there was a failure to enforce these protections. Throughout this time, and after final termination we find that illegal immigration began to grow with many of these workers, once being exposed to the economic opportunities of this country, choosing to remain illegally.

I provided this brief historical overview to underscore the fact that the primary reason for temporary workers has always been the cheap labor they provide to primarily southwest agricultural employers, and not for the purposes to quell illegal flows. If anything, the history proves that such a program has fostered and increased the growth of undocumented workers in the United States. Also, it demonstrates that while the Mexicans were and continue to be desirable as laborers, but not as settlers, this country will do anything to secure their employment in the United States without effectively protecting their rights as workers and human beings. This is not meant to be a dramatic statement but rather one of fact, for during this history, the Dillingham Commission Report of 1911 described Mexicans as being undesireable as settlers because of their Indian-like characteristics, their low level of skill, the view that they were and are illiterate; but if you wanted Mexicans to work for cheap wages, the door appeared to be wide open formally or informally, and you did not have to worry about their rights.

Recognizing this history, we now examine the present factors which create a tremendous push from foreign countries to the United States. I feel very strongly that considering the historical role we have played in encouraging undocumented flow, that we not commit a grave error in not fully acknowledging the major reasons why people are continually migrating to this country.

INTERNATIONAL ISSUES

A major issue which lead me to regard this legislation as ineffective

and not meriting House final approval is that there are no provisions which address major "push factors" in foreign countries such as devastating economic conditions. It is absolutely imperative that legislation reforming immigration policy be able to address the ever-growing political and economic instabilities of underdeveloped and developing countries. However, the bill addresses illegal immigration once people are at our borders or shore, or after they have entered the country. A more logical approach would be to have legislation which deals with the origins of the push factors in sending countries. Recognizing that conditions in Third World countries are worsening daily and that this trend increases migration pressures to the United States, it is extremely difficult to believe that internal enforcement policies such as employers sanctions will have any effective impact whatsoever.

Our immigration policies must be integrated with foreign policy consideration for they are interrelated. Clearly, our foreign policy in Haiti and El Salvador stimulated major migration of Haitians and Salvadorans to this country. We do not advocate a massive foreign assistance program but rather a policy which stresses cooperation and participation in managing such complex issues as illegal immigration. Without positive bilateral involvement in addressing major population movements, we are dangerously limiting our immigration policy to domestic efforts which are incapable of providing any relief. Thus, there must be a joining of domestic and foreign policy measures which establish a short- and long-term mechanism for addressing migration pressures. We would draft legislation during the 98th Congress which properly reflects and incorporates such concerns.

In view of the gravity of the political and economic conditions plaguing foreign countries and the resulting migration to the United States, we regard support for this legislation as need to have some action taken regardless of its effectiveness. The rationale appears to be that because the legislation has come this far and because something needs to be done to improve the situation, the bill should be supported. This attitude breeds poor and inadequate public policy, it is more concerned with convenience than with thoroughness and effectiveness. Should this legislation pass, in view of circumstances we have presented, we will have approved legislation which will require Congress to come back in a couple of years, again asking for a band-aid approach. We cannot afford such a shortsighted policy that will surely result in greater dangers and problems for this country and others.

I would like to bring to the attention of my colleagues two articles which appeared in the New York Times indicating serious concern on the part of the Mexican people and Government regarding the possible passage of this legislation. The articles clearly reflect a strong opposition to this legislation and the feeling that its passage would create very serious problems not only for the country of Mexico, but for United States-Mexico relations. In addition, I would like to read an article which summarizes a resolution approved by the Mexican Senate indicating its vehement denunciation of the Simpson-Mazzoli legislation.

In view of all that I have presented indicating the magnitude and complexity of this issue, we are now asked to consider legislation whose primary provision to address the issue of illegal immigration is to propose the creation of an employer sanctions program. It appears that support for H.R. 7357 is based on the employer sanctions program which would penalize employers who hire undocumented individuals. However, after having studied these programs in 19 foreign countries, the General Accounting Office (GAO) reported that they were ineffective in stopping the hiring of undocumented workers. Also there was no substantive analysis presented to Congress indicating that sanctions would be effective in controlling the flow of undocumented workers. In addition, Congress has yet to specifically discuss the cost of implementing this program, and whether this program would be cost effective.

Serious concerns about the significance and impact of this legislation were raised during debate in the House Judiciary Committee and culminated in a narrow defeat—two vote defeat—of a motion to recommit the bill to subcommittee. Success of the motion would have effectively killed this legislation.

Therefore, I find it extremely difficult to even consider passing this legislation when clearly the rights of Hispanic-Americans, of Haitians, and other immigrant groups stand to be further eroded under this legislation. I would urge my colleagues to oppose any further consideration of this extremely negative legislation.

(Translation of the exact text of Mexican Senate resolution urging deferral of Simpson-Mazzoli, as originally passed Dec. 8 and formally issued Dec. 13.)

DECEMBER 17, 1982.

Mr. THOMAS O'NEILL,
Speaker, U.S. House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: In compliance with the agreement taken by the assembly of the Chamber of Senators in their session of December 8, 1982, we are making available to you a copy of the approved text, in which this Senate of the Republic of Mexico expresses its concern for the repercussions against Mexican migrant workers in the United States of North America caused by passage of the Simpson-Mazzoli legislation.

1. That the Chamber (Senate) expresses as a resolution our alarm and concern for the repercussions which will impact both countries if the Simpson-Mazzoli legislation is passed, since this transcendent matter should not be considered from a unilateral perspective, but rather should be treated from a bilateral and even multilateral perspective, taking into account the far-reaching migratory phenomenon of undocumented persons between our two countries.

2. That the recommendations of the Parliamentarians of the Western Hemisphere Conference on Population and Development held in Brazil November 5, 1982 be implemented. Those recommendations were approved by several U.S. Senators, and designed to discourage laws such as this (Simpson-Mazzoli), which directly and openly threaten the labor and human rights of migrant workers in the United States, and which create a repressive precedent of global repercussions.

3. That this matter be turned over to the Foreign Relations Committee of the (Mexican) Senate for detailed analysis, and that it be included as part of the memos to be treated at the next reunion of the Mexico/U.S. inter-parliamentarian conference.

4. That the Latin American Congress, the World Congress, and the Group of Parliamentarians for a New World Order be notified so that they may direct their concerns to the U.S. Congress and include the matter in their work agendas.

5. That the proper Mexican authorities be notified of this proposition so that the necessary mechanisms be implemented in order to inform the nation, the U.S. Senators and Representatives, and, if possible, the American public of the concerns, intent, and actions of the (Mexican) Senate in regard to this grave matter that negatively affects our good neighbor relations.

We urge you, Mr. Speaker, to note our concerns and convey to the members of the honorable House of Representatives the transcribed text, and express our sentiments and our hope of understanding by the U.S. Congress.

Floor session of the Honorable Chamber of Senators, Mexico D.F., December 13, 1982.

Signed:

ANTONIO RIVA PALACIO,
President.

SILVIA HERNANDEZ DE GALINDO,
Secretary.

RAFAEL CERVANTES ACUNA,
Secretary.

MEXICO WANTS INDEPENDENCE BUT NEEDS U.S.

(By Alan Riding)

MEXICO CITY.—When they met in San Diego last month, President Reagan casually recalled that Mexico's incoming President, Miguel de la Madrid Hurtado, has studied for a time at Harvard. Suddenly, his guest looked embarrassed. Personal identification with the United States is something no Mexican official wants publicized.

Despite this faux pas, the meeting was a success. Mr. Reagan went on to stress that "our friendship is founded on respect and dignity" and that the United States would stand by Mexico at a time of economic crisis. Mr. de la Madrid in turn made it clear that top priority would be given to relations with the United States after he succeeds President José López Portillo on Wednesday.

But the heartburn caused by the mere mention of Mr. de la Madrid's years at Harvard was a pointed reminder of Mexico's nationalist sensitivity on all issues involving the United States—a sensitivity rooted in history but particularly strong now that Mexican economic dependence on the United States is at its height.

Despite all expressions to the contrary, relations between the neighboring countries seem likely to be disturbed by frequent misunderstandings during Mr. de la Madrid's six-year presidency. The catalyst for clashes may be anything from trade or migration issues to Central America policy, yet none will be as important as the psychological gap that still divides the two countries.

Nothing perhaps divides them more than history, which Americans may not remember but which Mexicans rarely forget. Awareness of the United State's seizure of half of Mexico's territory in 1847, its interventions during the chaos of the 1910-1917 Revolution and its enormous economic and political influence since then help to explain Mexican nationalism today.

But Mexican attitudes toward the United States are more complicated than that. Nationalism is mixed with admiration for American democracy, honesty and efficiency, to create an emotional ambivalence. Mexico's response to its current economic crisis is largely a function of these contradictory feelings. Mexicans correctly assumed that they could turn first to Washington for emergency credit, yet the immediately suspected its motives for helping them. To demonstrate that dependence does not mean submission, nationalism may now demand that an even more contrary foreign policy be pursued.

COOPERATION SOUGHT

Mexican analysts, therefore, dismiss speculation that the country's financial crisis will force Mr. de la Madrid to succumb to American pressure to abandon Mr. López Portillo's policies on the Caribbean Basin. All evidence points to continued Mexican friendship toward Cuba and Nicaragua and sympathy for Salvadoran opposition groups. President Reagan's visit to Central America this week may provide Mr. de la Madrid's first opportunity to reiterate his predecessor's call for negotiated settlements. On a similar note in the United States last week, 300 religious leaders, including 22 Roman Catholic bishops. denounced Washington's policy in Central America.

Because of Mexico's economic crisis, however, bilateral problems are likely to dominate relations with Washington. While Mr. de la Madrid told President Reagan last month that "we are not waiting to be saved from abroad," he is clearly looking for significant American cooperation. Already the United States has provided Mexico with almost $3 billion in credit, including $1 billion in advance payment for Mexican oil exports. American officials have also encouraged the International Monetary Fund to reach quick agreement with Mexico on a $3.92 billion credit and have quietly pressured American banks to renegotiate this country's $80 billion foreign debts.

Yet even this help proved controversial in Mexico, with loud complaints that Mexico had sold 40 million barrels of oil to the United States Strategic Reserve at a discount and had agreed to consult Washington on its future economic policies. The fact that, in recent months, Mexico has become the United States principal oil supplier was somehow seen as further cause for alarm.

The most immediate peril to good neighborliness, however, may be the Simpson-Mazzoli immigration bill coming up for Congressional consideration. The bill would authorize stiff penalties against employers of illegal aliens, thus eliminating job opportunities for hundreds of thousands of undocumented Mexicans in the United States. The return of these migrants to Mexico in the middle of an economic crisis could stir political tensions at homes as well as resentment against the United States.

The growing interdependence between the two countries is also shown by their business relations. Mexico's rising oil exports and huge imports of machinery and manufactured goods from the United States brought trade to $26 billion last year and made Mexico the United States' third-largest trading partner after the European Economic Community and Canada. But this year's financial crisis forced Mexico to slash imports and impose exchange controls. American savers "lost" a good part of $12 billion in local dollar deposits that were forcibly converted to pesos. And commerce virtually collapsed in American border cities when the cost of a dollar increased fivefold for Mexicans in less than 10 months.

Trade, then, will furnish a crucial test of relations. Mexico sees increased exports as one way of rebuilding its economy and repaying its debt, but protectionist pressures are growing in the United States. Last month, Mr. de la Madrid asked for Washington's help, pointedly reminding it that "to buy, we must be able to sell."

[From the New York Times, Nov. 21, 1982]

MEXICANS OPPOSE U.S. ENTRY CURBS

(By Robert Pear)

WASHINGTON, Nov. 20.—Business and political leaders in Mexico have told the United States that passage of a comprehensive immigration bill now pending in Congress would seriously harm relations between the two countries and "foster political unrest" if it was effectively enforced.

In a dispatch to Washington, the United States Ambassador to Mexico, John Gavin, said it was the unanimous opinion of Mexican leaders interviewed by the embassy that the consequences of the legislation would be "highly unfavorable for the U.S. economy and for U.S. Mexican relations."

Illegal aliens sent back to Mexico and would-be migrants unable to cross the border "would foster political unrest with potentially explosive consequences, businessmen here told us," Mr. Gavin reported.

With the Mexican economy in distress, the peso in turmoil and a new President set to take office on Dec. 1, Mr. Gavin said, many Mexicans believe this would be a particularly inauspicious time for the United States to tighten its immigration law.

BILL AWAITS HOUSE ACTION

The bill, sponsored by Senator Alan K. Simpson, Republican of Wyoming, and Representative Romano L. Mazzoli, a Kentucky Democrat, has passed the Senate and is awaiting possible-House floor action in the special session of Congress that starts Nov. 29.

Supporters of the bill, seizing on concern over unemployment, say it would open one million to two million jobs for American citizens. The heart of the bill is a system of fines and prison terms for employers who knowingly hire illegal aliens. The bill would also offer legal status to several million illegal aliens who entered the United States before 1980.

"Probably between one and two million Mexicans would be forced to return to Mexico at the one moment" in its history when "Mexico is least capable of generating additional employment," Mr. Gavin wrote.

The ambassador's 17-page report drew on conversations with Mexican officials, businessmen, economists, journalists and academics, including "scholars affiliated with the Government."

The State Department's chief spokesman on immigration, Assistant Secretary Diego C. Asencio, said in an interview Friday that "we've been talking to the Mexicans, we've been listening to them and we have attempted to take their concerns into account as much as we could." The Reagan Administration has strongly supported the bill, saying it would permit the United States to reestablish control of its borders.

PATROLS WOULD BE INCREASED

The bill declares the sense of Congress that there should be a carefully controlled "increase in border patrol and other enforcement activities of the Immigration and Naturalization Service." But from Mexico, Mr. Gavin reported that "effective enforcement of this measure is seen to require authoritarian measures amounting to a militarization of the border zone."

If there is a substantial reduction in money sent home by Mexican workers in the United States, Mr. Gavin said, the standard of living in some agricultural regions of Mexico could "plummet to below-subsistence levels."

"At the national level," he said, "Lower remittance incomes would deplete the Bank of Mexico's dollar reserves and aggravate mounting debt payment difficulties." By further depressing the value of the peso, he said, "these developments would fuel inflation, which in 1982 has risen to the highest levels" in 50 years.

Some Mexicans contend that the "economic dislocations" would be "more damaging to the United States than to Mexico," Mr. Gavin said. According to this view, "border zone employers, already suffering sizable market losses due to this summer's devaluations, would be dealt the additional blow of losing their principal source of low-wage labor."

"SECOND-CLASS CITIZENSHIP" SEEN

Mr. Simpson and Mr. Mazzoli say that by granting amnesty to illegal aliens, they would eliminate an illegal subclass of people who have been exploited by American employers. But Mr. Gavin said this proposal was seen as ratifying "second-class citizenship for Mexicans," because they would have to pay taxes in the United States while being ineligible for most social welfare benefits.

United States officials said that Mr. Gavin's description of Mexican attitudes was invaluable because, as the ambassador said, the official Mexican policy on illegal migration has been a "policy of silence."

Mexicans "see the migration problem as deeply embedded in the structure of an international labor market that unites the two countries," Mr. Gavin said. "These economic forces, characterized as a 'push' from Mexico and a much stronger 'pull' from the United States, defy legal attempts to modify them."

Thus, he said, "Mexicans are deeply pessimistic that Simpson-Mazzoli can be enforced." They "commonly assume that the U.S. economy's demand for foreign labor is ineradicable, even in a recession; and many maintain a Marxist world-view leading them

to believe business interests dominate Congress, and thus would never allow Congress to pass or enforce stiff employer sanctions."

The CHAIRMAN. The Chair now recognizes the gentleman from Idaho (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. KAZEN).

The CHAIRMAN. Without objection, the gentleman from Texas (Mr. KAZEN) is recognized for 2 minutes.

There was no objection.

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

Mr. Chairman, the hour is late. Five hours, it turns out, was not enough to debate this type of a bill.

This is the position that I have taken on this bill, not questioning so much what is in it, because so many of our colleagues do not know what is in it; the fact that we would not get an opportunity to really debate this bill. Here at 12:30 o'clock in the morning I get 2 minutes to talk about this very important bill, this bill that is going to be the immigration policy of the United States for years to come; but let me say to my colleagues, the gentleman from New Jersey and the gentleman from Kentucky, that I appreciate the work that they have put into this effort. My only concern is that there are not enough of us here to actually do the job that needs to be done.

Oh, I know that the members of the Judiciary Committee are thoroughly familiar with it, but the rest of us who are not on the committee, are not.

Now, this bill, make no mistake about it, at this stage of the game, this bill is going to pass, regardless of those of us who are against it. There are only 15 Members of the House taking part in this debate tonight, yet this bill is going to become the law, because this bill is going back to the Senate. We will substitute this bill for the Senate bill that is at the desk. It will go to the Senate. The Senate will take what we give them. It never will get to conference and it will become the law of the land.

□ 2430

Now that is the way that this very important piece of legislation is going to be on the books, unless we stand up tomorrow and see to it that the amendments that are on the desk are fully discussed, that this bill may be amended and actually made something that is the product of the entire House.

The CHAIRMAN. The time of the gentleman has expired.

The Chair now recognizes the gentleman from Idaho, Mr. HANSEN.

Mr. HANSEN of Idaho. Mr. Chairman, I reserve my 1 minute.

The CHAIRMAN. The gentleman from Idaho reserves his minute.

The Chair now recognizes the gentleman from California, Mr. MILLER.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. PATTERSON).

Mr. PATTERSON. Mr. Chairman, I know the hour is late. We have been in session almost 16 hours and I have been on the floor most of that time. We are now down to debate on perhaps one of the greatest bills in terms of its impact on the American people that we have had in the 97th Congress in these last few hours.

Because I think the system and the way we are handling it is not a correct one. I voted against going into Committee to have this debate, and I worried about doing that because I know that was not a popular vote, to vote against going into Committee. But when I heard the gentleman from California (Mr. ROYBAL) in his eloquent statement here, and I look around this room at midnight when he made it, and I know that less than 20 Members will have seen and heard his statement, and many other very worthy statements, I am glad that I voted the way I did, and I am sorry for this House that we have had the arguments and general debate at such a late hour. To be expeditious is one thing in minor matters, but to be expeditious in a major, sweeping bill of this sort, I am frankly somewhat embarrassed.

Mr. Chairman, the efforts of this Congress to bring about a comprehensive and balanced immigration reform should be congratulated. After more than 10 years of analysis, testimony, and negotiation, our Senate colleagues have forwarded a bill for House consideration. And, all five House Committees of jurisdiction have passed along a bill—with reasonable modification—for debate today.

yet in this moment of glory, as we finally bring immigration reform to the floor, I cannot help but wonder. In this 11th hour of the 97th Congress, why are we faced with one of the most controversial pieces of legislation in our time?

The Simpson-Mazzoli Immigration Reform Act, should it achieve final passage, will long remain a testament of our actions today. The last reform of its magnitude was adopted over 30 years ago. This is a thought-provoking notion, because, each and every one of us here today—lameduck Member or reelected colleague—will be accountable for a national policy which will endure long into the 21st century.

The ramifications of this legislation will set the stage for employment practices in every business across our country. It will establish a national identification system which each and every one of us will be required to honor whenever we seek employment in the United States. It will systematically, we hope, provide temporary workers where domestic laborers cannot be found.

Through legalization procedures, this bill will dramatically alter the composition of our society and encourage longtime illegal residents of the United States to come forward and enjoy the benefits of our system of justice.

Like most of my House and Senate colleagues, I recognize the great need for comprehensive immigration policy. I understand the great plans and strategies for closing the back door of illegal entry and opening the front door to legal immigration to the United States. I understand the necessity for weaving a tight-knit fabric which includes certification for eligibility to work in the United States, penalty for abuse, and appeal processes for those mistakenly accused of disregard for the law. I believe we must have a legalization program which brings longtime U.S. residents out of the shadows of illegality, ultimately removing the underclass in our society which has existed far too long.

I respect the efforts of my colleagues, particularly on the House Judiciary Committee and the Education and Labor Committee and Agriculture Committee, who have sought to tackle the very difficult problems of immigration reform. The cooperation of the House leadership should be equally applauded for allowing a liberal rule for debate so that, in these final hours, the voices of our pluralistic citizenry may be heard.

In the end, however, I have grave reservations about our consideration of this landmark proposal at the end of a long and weary 97th Congress. The events of this 97th Congress have been unsettling enough. Time and time again, we have found ourselves locked in debate over the Federal budget and how we might, with our most limited resources, confront the problems of our domestic economy. As we take on the revision of the Immigration and Nationality Act, we must not do so in haste. We must not permit ourselves to succumb to fatigue and ignore the consequences of our actions today. Should we amend and adopt H.R. 7357, we must do so with full knowledge and with full responsibility.

So far, it seems the only sure fact is the necessity for immigration reform. We all know our decades-old Federal laws are not working. Although they appear restrictive on paper, and give the illusion of a solid structure, the back door remains open. Under the Texas proviso, employers can and do hire illegal aliens. The economic and political conditions of our neighbors encourage exodus, and our inadequate border controls provide aliens an as-

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sured passageway to jobs in the United States. For those seeking legal immigrant status in the United States, frustration often results. INS delays and backlogs never get better; and illegal entry, for many, becomes more appealing.

With our current system, there are countless problems. But, the solutions will not come easily and without careful consideration by each Member casting his vote today. To pass this legislation, we must effectively develop a consensus of opinion in this House of Representatives. At this point in time, I do not believe we have such a consensus.

Over 297 amendments have been filed for debate on H.R. 7357. Not a section has been left untouched. If we in the House of Representatives are at odds over so many provisions, what does this mean? I would like to suggest that our disenchantment with this legislation mirrors the position of our constituencies. Our people, our business leaders, labor organizations, civil rights spokespersons, State and local government authorities, and minority groups all have something to say about this Immigration Reform Act. Allow me to cite just a few examples of those from whom I have heard, those who have taken time to write, call and meet with me to talk about this bill.

First, my country board of supervisors, mayors of cities in my congressional district, and about 1,000 just plain residents or ordinary people have written me in opposition to this bill.

Second, the AFL-CIO labor organization has announced its support for Simpson-Mazzoli contingent upon adoption of the education and labor amendments relating to the H-2 program. They are dissatisfied with efforts to reduce the scope of the legalization program and acknowledge that no new jobs for Americans will be created by striking legalization.

Third, the U.S. Chamber of Commerce is opposed to sanctions against employers and employment verification procedures which are confusing, burdensome, and expensive. In essence, the chamber views legislation which places enforcement in the hands of employers totally unacceptable.

Fourth, the U.S. Catholic Conference opposes Federal legislation which imposes employer sanctions without a generous legalization program. The conference has apprehensions about discrimination in employment as a result of the title I provisions. It objects to the two-tiered approach to legalization and limited Federal assistance to aliens achieving legal satus.

Fifth, the Citizens' Committee for Immigration Reform is comprised of such notable participants as Benjamin Civiletti, Lane Kirkland, Cyrus Vance, Douglas Fraser, Elliott Richardson, and Gerald Ford. The committee opposes any efforts to modify the current family reunification, system of preferences and inclusion of refugees in the annual immigration ceiling. The committee emphasizes the best legalization program would be the broadest, permitting all undocumented persons to become permanent residents upon coming forward with proper documentation, and with all the rights and benefits of permanent resident aliens. Given further study, the committee supports the Judiciary Committee's temporary worker program, without expansion of provisions by the Education and Labor Committee.

Sixth, the National Conference of State Legislatures is concerned about local and State government reimbursement provisions in section 303 of the bill and contends that any effort to provide reimbursement through a block grant will fall short of the unanticipated costs of the legalization program.

Seventh, the Associated General Contractors of America charges that enforcement of immigration law is up to the Government and that the bill, as currently drafted, increases the potential for civil rights litigation.

Eighth, the League of United Latin American Citizens (LULAC) warns that employer sanctions will be ineffective in preventing the employment of undocumented workers and the flow of illegals will continue. LULAC suggests that Congress view our immigration policies with a broader perspective which incorporates foreign policy considerations. Accordingly, the United States must nurture positive relations with developing countries and seek ways to relieve internal population pressures and employment disparities which encourage exodus.

With unequivocal opposition or with major recommended changes, the following national organizations have expressed great concern about this bill:

The American Civil Liberties Union, the American Farm Bureau, the U.S. Committee for Refugees, the Western Range Association, the National Council of the Churches of Christ, the Jewish Community Relations Advisory Council, the Inter-American Council on Manpower and Development, Inc., the Organization of Chinese Americans, Inc., the American Committee on Italian Migration, the Mexican American Legal Defense and Educational Fund (MALDEF), the Federation of Indian Associations, and the International Longshoremen's and Warehousemen's Union.

The list is exhaustless and clearly demonstrates the lack of consensus among national groups on the bill before us today. At the local level, other advocates for immigration reform emerge and voice distinct concerns.

Like other Members of Congress, I am concerned most about how legislation will affect the district I have been elected to represent. Southern California, and Orange County in particular, have been quite vocal on the subject of immigration reform. There are many reasons for this.

The first and most obvious reason is that the people of southern California have participated actively in our Nation's refugee resettlement program. Orange County alone has resettled and absorbed some 70,000 refugees since 1980. In recent years, State and local governments have pleaded for Federal assistance in proportion to their contribution in this national mission. Each and every step of the way, Federal financial assistance has been abated and delayed. Discrepancies in the administration's commitment to reimbursement leaves Orange and Los Angeles Counties, at best, cautious about a Federal immigration policy which will include a massive legalization program without guarantees for appropriate financial support.

The number of illegals expected to come forward for legalization in Los Angeles County is over 1 million; in Orange County, as many as 80,000 could seek legal status if Simpson-Mazzoli is adopted. The resources for implementing the legalization program must be adequate to make it work, and reimbursement to State and local governments must be insured. Floor amendments to dilute this provision and efforts to use it as a bargaining chip in conference must be prevented.

People in my district are interested in immigration reform, because they do not want to see a repeat of "Operation Jobs." The unannounced storming of businesses and agricultural farms, corralling of workers and loss of productivity associated with INS enforcement tactics have been severely criticized by all involved.

Workers and employers both recognize the importance of an illegal immigration control mechanism that works and does not include barbaric enforcement tactics.

In these few moments, I have only touched on some of the issues at stake during our debate of the Simpson-Mazzoli Immigration Reform Act. I know there are many among us who have been active in drafting this legislation, and I am thankful for their efforts. However, as it stands, the only consensus of opinion is that immigration control is needed. There is little consensus over the means to achieve it.

Unless we can rid this bill of its great controversy, amend it to meet the interests of the parties it will affect, we cannot go home satisfied that we have conclusively and quite necessarily resolved the immigration

issue. Many of us here today are not content with our lameduck consideration of this bill, and I firmly believe that we should place this issue on the agenda for the 98th Congress.

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

The gentleman from New York has 10 minutes remaining.

Mr. FISH. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. LUNGREN), a member of the committee.

Mr. LUNGREN. I thank the gentleman for yielding this time to me.

Mr. Chairman, in talking about various aspects of the bill, it seems to me at times the focus is lost on the reason behind the bill. The reason behind that bill is a very important one, and that is the fact that the United States has lost control of its borders. It is a fact that I do not think can be disputed. It is a fact very evident in my part of the country, and, in fact, it is something that is becoming more and more evident throughout the country.

In 1977, 1978, 1979, 1980, and 1981, the INS has apprehended at least 1 million persons. This compares to an apprehension of 110,000 people in total per year just 15 years ago. So that is what is confronting us. That is the major impetus behind a large-scale, comprehensive immigration reform package.

As a result, that forces us to look at some things that we might not otherwise look at. We talk about the push factor, we talk about the problems that exist in Central and South America. They exist; I readily accept that. I supported the CBI in part because of that. The fact of the matter is, that is under the jurisdiction of the Committee on Foreign Affairs. We do not have that under our jurisdiction here.

But nonetheless, I do not think anyone can suggest that whatever we do in the near future in Central and South America is going to stem the flow of illegal immigration into this country from those parts of the world. Of course we know we have illegal immigration from other parts of the world as well, so tht requires us to do something.

Many people have suggested over the last 2 evenings bolstering the border patrol, having additional personnel. Those of us on the subcommittee support that. We have had an addition of 300 positions in the last 2 years. I would like more. We have the INS efficiency bill which passed this House in the last 6 months. That is going to give new impetus to the INS in terms of its service responsibilities as well as to its enforcement responsibilities.

That is still not enough; I agree with that. But nonetheless, much more needs to be done. We have to have a comprehensive reform of the entire immigration package.

One of the really major aspects of this bill that makes it a good bill, in my judgment, is one of the things that makes it so difficult to pass; that is, its comprehensiveness. But it is our feeling after looking at it for several years, it is the feeling of the Presidential Commission that was started under a Democratic President, continued under a Republican President, has the support of Cabinet officers from a Democratic administration, had the support and efforts of people from this House and from the Senate, that the comprehensive nature of the response was absolutely necessary if we were going to have an effective response.

Some have said that just because you have been on the border does not mean you know all the answers. I am not suggesting I know all the answers, or any particular individual here knows all the answers. The suggestion that we can study this some more and somehow that will give us a better bill flies in the face of the fact that this has been studied for the last 17 years intensely.

□ 2440

We have had a Presidential commission. We all know what Congress usually does when it is up against a problem that it does not want to deal with. It creates a Presidential commission and hopes that commission will not report until after the next Presidential election. That is what happened. But here this Presidential commission did a good job of coming to a consensus. They had people from labor; they had people from management; they had people from academia; they had people from the political field here in the House and in the Senate, and people from the Cabinet. They began at different positions, and they came to a consensus. The members of this immigration subcommittee came to this with different positions. I came to the House 4 years ago adamantly opposed to any type of legalization because I felt that those people who had broken the law ought not to be able to gain something by virtue of the fact that they broke the law.

Over 4 years I have come to realize that we have somewhere between 3 and 12 million people—as someone said very gently, quoting the Attorney General, at least 3 million. That is like saying that the deficit is going to be $2 billion. I think it is closer to 12 million. We ought to admit that openly. We ought to recognize the size of the dilemma that confronts us and deal with it.

I ask other Members, are we going to support in this House the type of action that would be necessary to rid our country of 12 million who are here illegally? Are Members going to support neighborhood sweeps? I am not just talking about neighborhood sweeps in those areas where we would find the illegal persons as they reside there. I am talking about sweeps in the neighborhoods where they are employed. Let us be honest, a lot of people are employed in neighborhoods that are not in the poor areas. They are working there—housewives, doctors, lawyers, professionals, nonprofessionals in some ways have abetted the illegality here by hiring those people who are here illegally. We ought not to fool ourselves.

Mr. EDWARDS of California. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN. I will be happy to yield.

Mr. EDWARDS of California. It occurred to me when the gentleman was speaking of studies that have been made year after year, 17 years, and I have been here 20 years—yes, there have been studies over and over again, and we have passed bills in the Judiciary Committee on several occasions, but it is always the same bill. That is the problem, and here they come up again. The Commission came up again with the same employer sanctions, and now we have employer sanctions, a concept that has never worked, has never worked in one country, one State, and I believe 11 States have it. That is the problem, and I thank the gentleman for getting to the core of it by explaining to me what has been going on all these years.

Mr. LUNGREN. In response to the gentleman, let me just say that this is not the same bill. We have had bills that were totally comprised of employer sanctions. This bill has employer sanctions; this bill has legalization; this bill has any number of things that, taken together, create a comprehensive approach. I would not support employer sanctions by themselves. I would not support employer sanctions without a workable H-2 program, because that would fly in the face of the reality that exists today, which is that a number of our industries have come to rely on foreign labor. Whether we like it or not, that happens to be the case. We cannot wean them from that immediately.

I would not support legalization by itself, but as part of the total package it makes eminent sense. The gentleman is correct when he says that we have had employer sanctions before, but the gentleman is absolutely incorrect to suggest that this is the same bill that has ever reached this position on the floor of the House of Representatives, and certainly no bill such as this has passed the Senate by any margin, much less the 80-to-19 margin this got in this Senate, before in the last 17 years. This is entirely different.

The gentleman talks about employer sanctions, and in fact we did have a

study done as to why employer sanctions have not worked. The major conclusion that came out of that study was that employer sanctions did not work because they were never enforced. It has never been tried, so to suggest something which was never enforced proves if enforced it would not work does really not make a great deal of sense. We have not tried it before.

The point is that there is the push factor from those other countries, but there is also the pull factor, the magnetizing factor of job opportunities here, and unless we deal with that we are not going to in any reasonable way stem illegal immigration into this country.

I am not going to stand here and say we are going to cut it all off, because I do not think that is possible. If you look at the record, you will see that from at least 1880 we have had a flow of labor across our border into the United States. It is going to be either legal or illegal depending on whether we have a law. We had a bracero program. I do not want to return to that bracero program, but the fact is that when we discontinued the bracero program the people were just funneled into the illegal system. We have a de facto guest worker program of the worst type right now because the people have no protection under the law because they are afraid to say who they are for fear of going back to the country from whence they came. That is one of the serious problems we have.

All I am suggesting is that we try and deal with the realities that exist today on the de facto guest worker program along a border that is being assaulted in a sense on a daily basis, and we really have to confront that question at some time or another.

If we do not confront it today, as late as it may be, and I admit it is late—if we had done it, and I have been asking that we have this before us for weeks and months; those of us on the subcommittee that have been fighting for this have not been the ones saying, "Don't bring this up," and I appreciate that some believe that this is brought up at the last minute unfairly. I do not think it is unfair. I also think that you must realize that it makes it more difficult to pass the bill when you are right up against it. It is much easier to have Members vote no than yes on a bill of this importance.

The concern I have is this—the sincere concern I have is this: This is a problem that is not going to go away. This Congress is going to have to address it.

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

Mr. ERLENBORN. Mr. Chairman, I yield 5 minutes to the gentleman from California.

Mr. LUNGREN. The concern I have, Mr. Chairman, is this: If we do not deal with this now I think we are getting ourselves to the position, as sincerely and as enthusiastically as Senator SIMPSON has indicated he is going to bring this bill right back on the Senate side, I think it is foolish for us to suggest that it is going to be easy to bring this bill or anything like it up close to a Presidential election year. I think it probably means we are not going to deal with this seriously for another 4 or 5 years.

I am afraid that if the problem continues and is exacerbated from the condition we find ourselves in today, we will be tempted to pass a bill 5 years hence that will be draconian in its sweep and draconian in its detail. Those who are worried about the way we are dealing with those who are here illegally now, will be embarrassed by the way this House will march to the tune of public opinion at that time. I think that is something that we have to think about very seriously.

We need a legalization program. We also very seriously need an employer sanction program. If we do not deal with the employer sanction aspect of it, we are not going to deal with illegal immigration itself. As much as we want to avoid that, we have got to confront it.

That being the case, this subcommittee has attempted as best it can to make sure that discrimination not be promulgated as a result of anything we do. That is why we said that the documents have to be requested of anybody who is a prospective employee. That gets us to the problem with other people who do not want to be bothered by it, but if we are going to be fair to the minority we have to say that it has to apply to all. Otherwise it would be easy for an employer to discriminate.

Certainly, there is a problem that will exist with those who want to discriminate, but I ask you, is not the possibility of discriminating against a member of a minority group, particularly Hispanic, greater today when someone is here illegally and they work for an employer, and they are afraid of complaining about their working conditions; afraid of complaining about their rate of pay; afraid of complaining about the manner in which they are housed if housing is part of the recompense for their work?

□ 2450

As soon as they start to complain that employer might call the INS and ask them to come and make a sweep.

Let me mention one last thing. There was an article that appeared in the Los Angeles Times just a couple of months ago by a fellow named Evan Maxwell who followed this in the Los Angeles Times for 2 solid years. He now works for the Orange County Bureau. He talked about two illegal aliens, undocumented workers, that he interviewed in northern California. They were people who were there to do agricultural work. They informed him that they got combat pay—that is the way they referred to it—because they worked closer to the road when they picked the crop, and that was because they had a greater risk of being picked up by the INS the closer they were to the road that the INS might drive their vehicles on.

These two individuals fervently hope that this bill or something like it to the extent that they knew about it would pass because they did not like continuing to live under the darkness of illegality which cloaks their very being from the moment they wake up until they go to bed at night. I think we have to seriously address that.

One of the reasons I think we have so much opposition to this bill from so many different areas is because it is easy to attack it. It is attacked on legalization for its not being generous enough on legalization, and on the other side by those who throw the gauntlet down and say that we should not have any legalization. It is attacked by the agricultural producers who say we have not given them enough easy access to a temporary worker force, and from the unions, who say we make it too easy.

Mr. Chairman, we cannot reach a perfect solution for all the concerns. I think the best we can ask for is a compromise in a comprehensive effort toward immigration reform. So I would hope that our colleagues would not easily throw this work aside, recognizing that in very difficult circumstances it is going to be very difficult to get any bill at all passed.

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

Mr. LUNGREN. I would be happy to yield to the gentleman from Kentucky.

The CHAIRMAN. The Chair will inform the gentleman from California (Mr. LUNGREN) that his time has expired.

Mr. MAZZOLI. Mr. Chairman, I just wanted to thank the gentleman.

The CHAIRMAN. The Chair would like to state that the gentleman from California (Mr. MILLER) has 5 minutes remaining, the gentleman from Illinois (Mr. ERLENBORN) has 20 minutes remaining, and the gentleman from Idaho (Mr. HANSEN) has 1 minute remaining.

The Chair now recognizes the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I have no further requests for time.

Mr. CHAIRMAN. Does the gentleman from Illinois (Mr. ERLENBORN) yield back the balance of his time?

Mr. ERLENBORN. I yield back the balance of my time, Mr. Chairman.

Mr. MAZZOLI. Mr. Chairman, may I ask, would one of the gentleman yield me 1 minute?

Mr. HANSEN of Idaho. Mr. Chairman, I yield my remaining 1 minute to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I appreciate the gentleman's yielding me his time.

Mr. Chairman, I just wanted to end my comments tonight by thanking my colleagues for the excellent debate we have had. It is unfortunate, as has been said by many of us, that we had to go on at this late hour, but for those brave few who have hung on, it has been elucidating debate, and for those who will perhaps read or hear about it, it will be helpful.

I will take a moment, as I did last evening, to talk about the excellent work of the Chairman of the Committee of the Whole House on the State of the Union, my colleague, the gentleman from Kentucky (Mr. NATCHER). Any Member who can preside, as the gentleman has done tonight, under these circumstances, is a person who understands very carefully the work of the House. I would just like to take this opportunity to thank my friend for the excellent work he does in the chair.

The CHAIRMAN. The time of the gentleman from Kentucky (Mr. MAZZOLI) has expired.

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

Mr. MILLER of California. Mr. Chairman, I yield myself the balance of my time.

Mr. Speaker, I rise to speak in favor of the Committee on Education and Labor's amendment which provides a substitute for section 211 of the Immigration Reform and Control Act of 1982. Section 211 amends, significantly, the H-2 worker program. That program provides that individuals, nonimmigrant aliens, may come to this country on a temporary basis to perform certain labor and services for which there are insufficient unemployed Americans. The program has been, in the past, limited in nature—never going beyond 70,000 individuals in a single year—even at its height. In recent years, the program has been reduced to a level of about 30,000 H-2 workers, of which approximately 20,000 have been agricultural laborers.

In order for the House to more clearly understand these issues, and why the Committee on Education and Labor obtained referral of this bill, I would like to take a few minutes of this debate to discuss the history and the development of the H-2 program.

The H-2 program arose out of the bracero program of World War II. When the labor market got tight during the war, with hundreds of thousands of young Americans entering the service, the agricultural growers pressured the Government to enter into an agreement with Mexico, a wartime emergency measure, in order to provide a continuing source of inexpensive labor. That agreement, which was signed in 1942, established the pattern governing the employment of nonimmigrant, temporary agricultural labor which persists today.

Male workers were admitted, generally without their families;

They were admitted temporarily;

The work was hard and unattractive;

There were some, generally minimal, governmental controls on wages and working conditions; and

If the aliens displeased their employers, they could be deported.

But unlike other special wartime programs, the bracero program persisted after the war. It persisted, especially with respect to crops which were unattractive to local workers. And as long as the bracero program persisted, employers were under little compulsion to improve working conditions or wages.

While the use of bracero labor declined after World War II, the program did not end, and its use picked up again in the late 1940's. By 1959, more than 430,000 braceros were being used in this Nation. The braceros represented a docile, easy exploited, low paid work force. In 1962, bracero wages, after Government intervention to establish a wage floor, were between 60 cents and $1 an hour. And the debate swirled around the bracero program, the same debate that swirls around the H-2 program today—the effect of the employment of so many nonimmigrant aliens on the hiring of American workers.

By 1961, the program was in trouble in the Congress. As a so-called wartime emergency measure, it had to be reauthorized every 2 years. Reauthorization, in the face of growing public outrage, was becoming increasingly difficult, and finally, in 1964, the bracero program was terminated.

The H-2 program, already in law in 1964, became the only vehicle for the introduction of nonimmigrant alien agricultural labor in the country. But, the H-2 program was subject to much closer Government scrutiny, and much more careful Government supervision. For these reasons, unlike the bracero program, the H-2 program was able to be kept within reasonable bounds, and was able to remain, in a general sense, a program for the importation of nonimmigrant alien labor only to perform jobs for which there truly were insufficient domestic workers.

And it is concern about what the Immigration Reform and Control Act of 1982 might do the use of nonimmigrant, alien, temporary agricultural workers, that is the basis for this debate this evening.

The Education and Labor Committee requested jurisdiction over this bill for several important reasons—the most important of which was the historical jurisdiction of the Committee on Education and Labor. Under rule X, clause 1(g) of the rules of the House, the Committee on Education and Labor has jurisdiction over:

First, measures relating to education and labor generally; second, labor standards; third, regulation or prevention of importation of foreign laborers under contract; and fourth, wages and hours of labor.

The H-2 worker program is in fact a program for the regulation or prevention of the importation of foreign labor under contract. Unfortunately, the Judiciary Committee failed by its bill to either regulate or prevent the influx of nonimmigrant aliens which will displace American workers. This is an especially important concern at a time of record high unemployment among American workers—the highest unemployment since the Great Depression. Throughout the entire history of the bracero program, unemployment was never as high as it is at this moment in our Nation's history.

The bill as reported by Committee on the Judiciary failed to provide the necessary protections for domestic and foreign workers employed under this program. The record of the abuses, well known to this committee, committed against agricultural workers in this country alone form a basis for this committee's assertion of jurisdiction over this portion of the bill and the committee's action detailed below. The committee has received correspondence from the AFL-CIO which states that without the guarantees which are provided by the committee's amendments to this section the purposes of the Immigration Reform and Control Act of 1982 would be undermined. In fact the federations' support for H.R. 6514 is contingent on the inclusion of this committee's amendments to this section on the House floor. This committee's changes to the program, offered in committee by Mr. MILLER of California and including an addition offered by Mr. CORRADA, are incorporated into a single amendment (the sixth reported by this committee) as substitute for the entire section.

The thrust of the Education and Labor Committee's substitute for section 211 of H.R. 6514 is to protect domestic workers against displacement by foreign nonimmigrant alien workers and to provide both H-2 workers and the domestic workers with the protection of sufficient labor standards. To reach these two goals, the committee's substitute has three objectives: to return the program to its current form (by placing into the bill many of the foundations of the current regulatory structure); to insure that the program is not extended beyond the Department of Labor's

ability to enforce the law, either by bypassing the Department of Labor or by the Attorney General approving petitions for more workers than the Department of Labor can adequately enforce; and to remove the economic incentive to hire H-2 foreign workers.

The Education and Labor substitute section 211 makes 22 changes to the version of section 211 adopted by the Committee on the Judiciary. In order for the Members to fully understand these changes, I will briefly discuss these.

Under the Judiciary Committee version, the Department of Labor in the person of the Secretary, is given the authority to freely define the bounds of what will be considered to be agriculture. Since the potential expansion of the program is planned in the area of agriculture, the definition of the term will in large part determine the number of aliens that are to be brought in under the program. The Education and Labor substitute removes that discretion, and instead defines agricultural services as they are currently defined under the Fair Labor Standards Act and the Internal Revenue Code. It is our view that these definitions are well known to all involved, and have served for years. The Committee on Education and Labor saw no justification for the expansion of the program by definition.

Further, the Education and Labor substitute reinserts the existing statutory basis for the H-2 program—that temporary workers may be brought into this country if "unemployed persons capable of performing such service of labor cannot be found in the country." In order to insure that the H-2 program remains a program that is utilized only when an actual need for alien workers can be established and to assure that the influx of temporary aliens does not displace American workers, the Department of Labor and the Attorney General must, under the Education and Labor amendment, consider the effect of the importation of temporary workers on the overall employment rate.

Under the current program, the average length of stay of an agricultural H-2 worker is approximately 6 months. The Judiciary Committee failed to address the question of the length of stay of these temporary workers, and instead opted to allow regulations to determine the length of stay. My substitute conforms the bill to the Senate language by limiting the stay of these workers to 8 months. A stay of any longer takes on the appearance of permanence—something the program was never intended to permit. We do recognize that longer stays may be necessary in certain industries, and for that reason, the substitute provides that if the Secretary of Labor has historically permitted certifications in an industry to be for longer periods of time, the Secretary may continue to do so.

My substitute makes a series of changes to the Judiciary Committee bill in order to insure that the program and the standards under which the H-2 program would work be maintained in a manner consistent with the current program. Under the current program, the Attorney General has in a sense delegated the responsibility for the program to the Secretary of Labor. Pursuant to that delegation, the Secretary has developed and issued extensive regulations which attempt to uphold the thrust of the program—that the influx of workers under the program will not adversely affect the wages and working conditions of the American worker. The Simpson-Mazzoli bill, as originally introduced, placed about half of those current regulations into the bill. Those regulations which were placed into the bill dealt primarily with the labor certification procedure.

This procedure concerns the method by which the employer who desires alien workers and the Government which must protect American workers from displacement—go about their duties. These regulations detail the time period in which the employer must file his or her application, the length of time that must be spent searching for American workers, and the procedures under which that the aliens and the domestic workers will not be abused.

The authors of the Simpson-Mazzolli bill failed, however, to place into the bill, the second, and very important portion of these regulations—those dealing with labor standards. These standards, which have been developed over a period of 20 years, are designed to establish minimum levels of benefits which the employer must provide to the alien and the domestic worker. The current regulations insure that the workers are provided with: Housing, without charge; workers' compensation, or similar protection; tools, supplies, and equipment, without charge; transportation, provided without charge; a guarantee that they will be employed for at least three-quarters of the contract period; that the employer maintain accurate records; and that the employer must pay at least the adverse wage rate.

As introduced, then, the Simpson-Mazzolli bill carried forward the current certification regulations, and dropped the existing labor standards regulations by the wayside—these latter to be amended and replaced by a coalition of the Attorney General, the Department of Labor, and the Department of Agriculture.

But, as the bill made its way through the Committee on the Judiciary, the certification regulations were amended in a number of respects—all of which, if enacted into law, would make it easier for the employer to turn away domestic workers in favor of H-2 workers. My substitute returns the language concerning the certification process to that of the current regulations. The current regulations—about which all parties are aware, and under which, in 1980 and 1981, provided for the approval of 98 percent of all requests for certification by agricultural employers.

In this area, my amendment—

Requires that the domestic workers be qualified and available to perform the labor or service. Under the language of the Judiciary Committee bill, the domestic worker would have to meet additional tests, not currently required—of being willing and able. Tests for which there are no current definitions.

My amendment reestablishes the 80-day application filing requirement (which currently applies) together with a 60-day recruitment period. The Judiciary Committee bill would reduce the application period to 50 days, and has no recruitment period. What the Judiciary Committee has done goes against the trend of the current program—and cannot help but encourage the use of more and more H-2 workers, as agricultural employers merely give lip service to the need to look first for American workers.

My amendment requires that the employer must have a Department of Labor certification before he or she brings in the H-2 workers. The Judiciary Committee version says only that the employer must apply for the certification, that it need not be granted.

My amendment requires that the employer accept domestic workers until one-half the contract period has run. This is the current regulation, and yet, the Judiciary Committee would permit the employer to turn down a qualified American worker as soon as the H-2 worker has gotten off the slow boat from his native country, and departed for these shores.

In addition, my substitute provides an additional, and important safeguard which is absolutely essential if we are to adequately protect domestic workers and curb unnecessary growth of the H-2 program. My substitute requires that the Secretary of Labor can issue certifications for no more agricultural workers than have been issued historically, in the past, unless the Secretary can certify to the Congress that the Department of Labor has the resources available (that is, both funds and personnel) to adequately enforce the labor standards and the provisions governing the employment of H-2 workers.

Mr. Chairman, these changes which the Committee on Education and Labor has made to the Judiciary Committee's version of section 211 do not constitute new and startling imposi-

tions on the H-2 worker program. They are intended largely to insure that the H-2 program continues to operate the way it has operated in the past. The provisions of the Education and Labor amendment dealing with the certification and the importation of H-2 workers are largely those which exist in current law and regulations. The Labor standards which the Education and Labor amendment provides are not made up on the spur of the moment—they largely exist under current regulation. They are the procedures and the standards which have governed this program for years in the past, and they will not come as any surprise to the industries which has used H-2 workers in the past.

But these changes are essential, Mr. Chairman, if we are to protect the H-2 workers, and if we are to protect native American workers. Without them, the H-2 program will assuredly grow—grow beyond the bounds of the current program—grow beyond the bounds of any reasonable expectation. It will grow into a new bracero program. And while 12 or 14 million Americans are unemployed, and while hundreds of thousands of Americans workers roam the Nation, looking for work, any work—the growing H-2 program will only make their misery greater.

The Judiciary Committee version of section 211 will only result in the wild expansion of the H-2 worker program—hundreds of thousands of nonimmigrant aliens entering the country to take jobs which unemployed Americans would surely take, if given half a chance. The Education and Labor version of section 211 insures that this will not happen. It provides the safeguards which insure that the jobs are at least offered to American workers under reasonable terms. And if there are no American workers who will take those jobs, then it permits the efficient and effective certification of H-2 workers.

● Mr. NELSON. Mr. Chairman, the immigration reform bill that we are debating today is legislation that is long overdue. We in Florida well know the problems of a lack of immigration policy. We have limped along without a decisive immigration policy for 30 years. The U.S. immigration law is on the verge of being out of control and action must be taken immediately. The Senate has passed its version of Simpson-Mazzoli, it is up to the House to respond by tackling this bill head-on.

I support this important initiative. Like all of you, I have reservations about particular parts of the bill. However, we cannot afford to wait longer to make this bill all things to all people. Our expanding frontier is gone—American is no longer expanding its borders with the ability to allow an endless flow of immigrants. We must close our borders and we must regulate the flow of aliens into the United States with integrity.

There are many parts of the bill which are widely supported. I support penalties for employers who knowingly hire illegal aliens; user fees for services provided by the Immigration and Naturalization Service; streamlining the asylum process so that once a fair determination is made it cannot be endlessly appealed; not allowing foreign students or visitors who abuse their terms of entry to remain in the Unites States; and insuring that temporary foreign workers be hired only if there are no American workers available.

As many of my colleagues, I have reservations about the limited amnesty provision—granting temporary or permanent residence to those aliens who have been here 3 to 6 years. This question of amnesty is the hottest issue in this bill.

Limited amnesty is not the popular course. But to make the law work—which has not worked for 30 years—it is a practical necessity to provide an incentive for aliens to come forth from hiding to register with the authorities. Otherwise, they will continue to hide, continue to cross a most porous border at will, continue to lie to employers, and some employers will continue to wink at the law.

Today, we do not have the choice of whether we want this immigration reform bill or some other alternative. We have no other legislative alternative. The status quo is not acceptable. I urge the adoption of this important legislation.●

● Mr. OXLEY. Mr. Chairman, I rise in support of the Immigration Reform and Control Act. In this time of recession and high unemployment in our Nation it is especially important to reexamine our laws regarding both legal and illegal immigration.

I strongly support the bill's employer sanction provisions. Far too many Americans who could and should be working are not because some unscrupulous employers find that illegal aliens come more cheaply. Persons in this country illegally are unlikely to demand the minimum wage or report poor working conditions for fear of being reported to immigration authorities. The bill does not place an unreasonable burden on employers to determine the status of potential workers. Its focus is to hold accountable those employers who know they are hiring illegal aliens, and are thereby knowingly displacing qualified law-abiding persons from the work force.

I would also support an amendment to place a comprehensive, flexible ceiling on legal immigration in order to achieve better control over the large numbers of persons coming over our borders to reside permanently. The original version of this bill contained such a cap, but it was removed by the Committee on Judiciary. The amendment would not apply to refugees who, as always, would be provided access to our shores without regard to numbers.

The bill we are today considering represents the most thorough revision of our Nation's immigration laws in 30 years. It is designed to restore needed control over our borders while preserving America's tradition of accepting foreigners within realistic limits. I urge adoption of a ceiling in this latter regard and I urge a "yes" vote on final passage.●

● Mr. FRENZEL. Mr. Chairman, during these last minutes of the session we are considering an immigration bill, H.R. 7357, which deserves a better and careful consideration by all Members.

Decades have slipped by since this body has passed a comprehensive immigration bill. As far as immigration policy goes we are still in the 1950's. Consequently, we have an existing immigration policy that does not address the immigration dilemmas of our day and age. It does not take a lot of study to realize that many of our policies are antiquated and therefore not suited to todays' complexities.

Our country desperately needs to get a handle on legal and illegal immigration. Reform is a must. I generally favor most provisions in this bill and feel that they are a step in the right direction. Although we are taking leaps into the unknown with new provisions, such as employer sanctions, I believe it is worth the attempt. The present situation is so bad that things certainly could not get worse.

An amnesty provision, however, is not the answer to our immigration problems. It is a leap I will not take. Millions of people around the world clamor for the honor of becoming a U.S. citizen. U.S. citizenship is one of the most sought-after prizes in the world. Yet if we agree to the amnesty provision, we hand, on a silver platter, the coveted prize of citizenship to some 3 to 12 million lawbreakers.

I simply cannot give a reward to those who have knowingly broken our laws while others go through the endless paperwork, withstand the interminable screenings, and patiently wait—often years—to enter our country legally. Giving the prize of citizenship to law breakers is an affront to the patient law abiders.

Furthermore, the potential costs and eventual entrance of illegals' families and relatives to our country as a result of amnesty are factors not to be overlooked. Although we may not be confronted with the consequences of legalization tomorrow, problems such as these will crop up soon enough and stare us in the face. Worse, new waves of illegals will be attracted to the United States in the hope of future

amnesties. Unlike some laws which can be retracted, massive amnesty is irreversible.

I commend members of the Judiciary Committee for their years of hard work on immigration reform. I feel that this bill has many points of merit. Although I do oppose amnesty and will vote to have it stricken from the bill, I do expect to vote for the bill thereafter, and I urge its passage.●

● Mr. DANNEMEYER. Mr. Chairman, in the consideration of H.R. 7357, the Immigration Reform and Control Act of 1982, we debate our history as a nation of nations, as a refuge or as an expedient, as a land of opportunity or place of opportunism. I have deep concerns about H.R. 7357. The bill does not have a guest worker program. The H-2 labor program requires further streamlining. There is no limitation on legal immigration and no cap on refugee admissions. The employer sanctions provision invites massive documentation fraud. The amnesty program appears to be uncontrollable, but necessary to an employer sanctions provision. While the bill authorizes some $100 million from fiscal year 1983 through fiscal year 1987, CBO estimates required budget authority at nearly $4.5 billion. Finally, the bill does not address the warrantless invasion of America's farmlands by the Immigration Service. In that respect, the bill lacks an amendment jointly offered by Mr. EDWARDS of California and myself to require consent or a warrant before entering so-calling open fields.

This bill is perfectible. I wonder, however, whether the 11th hour of the legislative season is the appropriate time to consider policies that will greatly influence our economic and social course for decades. While the 11th hour may not be the time to hastily consider such important legislation, it was 2:30 in the morning when my district staff had to go to the Immigration Service in Los Angeles to process a constituent request. An elderly constituent had an immigration problem that required her personal appearance. It was incredible that when my staff arrived at the INS building in Los Angeles at 2:30 in the morning, there were already 13 people in line. This small example demonstrats the size of the problem and the need.

The need is great. The question is whether this bill is the appropriate remedy.

One hundred years ago, Congress first enacted a law regulating immigration. This act, referred to as the first general immigration law, provided for a system of control of immigration through the States under the general supervision of the Secretary of the Treasury. Subsequent Congresses faced the same issues we do today: Large numbers of aliens were being landed every year in violation of the 1882 act; contract-labor law was being evaded; immigration through neighboring countries was a problem. A joint House-Senate panel in 1889 found that the chief cause of the large number of illegally landed immigrants was the divided authority provided for the execution of the Immigration Act. Thereafter, the dual State-Federal administration of immigration matters ended.

I ask if we are not again making the mistake of the 1882 legislature, of dividing the authority for enforcement of immigration laws between the employers in the several States and the Federal branch? Does not this legislation pass the buck to employers and to the border States for securing the border and regulating the flow of illegal labor in the absence of a guest worker program, in the absence of an improved H-2 migrant labor program, in the absence of adequate resources for the Border Patrol, in the absence of fair search and seizure policies, in the threat to withdraw adequate resources for the States to cope with an amnesty program?

How should we regain control of our borders and reform our immigration policies? According to a recent report by the University of California, Berkeley, a full one-fourth of the Nation's legal resident aliens live in California. If illegal immigrants and special refugees could be counted accurately, the report estimates that aliens might comprise over three-quarters of the State's current growth from migration and nearly one-half of its estimated population growth from all sources.

This bill needs guest worker program, needs an improved H-2 program, and needs a search and seizure policy in open fields so as to be brought in line with the fourth amendment. The issue of documentation fraud must be confronted in the employer sanctions program. There must be a limitation on admission of legal immigrants and refugees. Without these changes, this bill will not amount to reform or control. If we want to avoid the regulation of our people within this Nation, then we must confront the issue of regulation of population pressures from without our Nation.●

● Mr. HANCE. Mr. Chairman, I rise to discuss my serious opposition to H.R. 7357 and the employer sanctions provisions contained therein. While I must agree that the concept of making it illegal to hire undocumented workers has some merit in addressing illegal immigration, I must clearly state that this program, as outlined in the bill, will result in serious discriminatory problems for Hispanics in my State and congressional district. In addition, this legislation would create a tremendous and unreasonable burden on employers in border States like Texas, and would essentially make these employers an extension of the Border Patrol. Mr. Speaker, Hispanic unemployment is presently 15.7 percent nationwide. I cannot support any legislation which would only increase the levels of unemployment and employment discrimination of Hispanics.

One of the obvious effects of the system proposed in H.R. 7357 is that it will increase discrimination against minorities with distinguishing characteristics such as accents and skin color. Rather than risk a penalty for employing an unauthorized worker, many employers will find it easier to hire a person they feel is safe: A person who does not sound or appear foreign. The potential for this type of discrimination has led many Hispanic and civil rights organizations to oppose employer sanctions.

Under H.R. 7357, employers of four or more workers are required to examine the documents of all workers they hire. On the surface this documentation requirement seems to eliminate the discriminatory aspects of employer sanctions by requiring employers to go through the same hiring process for all workers employed. Upon closer analysis, however, significant likelihood of discrimination against minorities remains. First, because employers of three or fewer employees are exempt from the broad documentation requirement, those employers are free to scrutinize only foreign-looking employees. Second, employers not presently discriminating against minority job applicants may nonetheless refuse to hire minority workers for fear an error in recordkeeping may subject the employer to future liability. Moreover, employers may opt not to hire "foreign-looking" workers for fear that the creation of a "foreign looking" work force would be an attractive target for disruptive raids by the INS. Third, employers who presently discriminate against minorities may continue their illegal practices by claiming that their rejection of a minority job applicant was based on the fear that the applicant's documents were forged, that the documents did not match the applicant's physical characteristics, or that the applicant may soon beome an unauthorized worker who would later have to be fired.

Minority job applicants who may be denied jobs for discriminatory reasons may seek relief under existing civil rights laws, such as title VII. However, because title VII applies only to employers of 15 or more employees, those applicants who suffer discrimination as a result of the employer sanctions law but who applied for jobs with employers of less than 15 workers, will have no effective remedy avilable to them.

Employers who happen to live in border States such as California, Ari-

zona, Texas, and in other States such as Florida would find the bill targeted toward them because of their geographic location. These employers would be the ones to bear the greatest burden of this legislation. Enforcing this bill would put these employers at a competitive disadvantage with employers in other regions in the United States because the employers in these border States would have to spend extra money to scrutinize the employee's documents, to hire legal counsel if they are charged with a violation and ultimately to pay fines if they are not successful in their defense. Furthermore, it pushes fairminded employers to become law enforcement agents and causes them to be apprehensive about hiring Hispanics so as to avoid interruption of their workplace by the INS.

Mr. Chairman, I am aware of the General Accounting Office (GAO) study of 20 foreign countries with employer sanctions which concluded that these sanctions were ineffective in stopping the hiring of undocumented workers. In addition, there has been no substantive analysis presented to Congress indicating that sanctions would be effective in controlling the flow of undocumented aliens into the United States. Finally, Congress has yet to discuss the actual cost of implementing this program, the personnel necessary for enforcement and whether this program would be cost effective.

Mr. Chairman, I urge the defeat of this legislation.●

● Mr. FORD of Michigan. Mr. Chairman, there are many interesting statistics that describe the huge number of jobless individuals who live in the State I represent. When you stop to realize that Michigan now has more unemployed workers than the number of residents in the District of Columbia and in each of eight States—Alaska, Delaware, Montana, Nevada, North Dakota, South Dakota, Vermont, and Wyoming—then maybe it will become clearer why I cannot support the administration's Caribbean Basin initiative. It seems to me that this is a proposal which only exacerbates this already deplorable domestic and economic situation.

I am in support of a strong economic aid initiative that could help the Caribbean region meet its massive problems and develop itself domestically. However, neither the workers in the Caribbean nor the workers in the United States want programs that cost one another jobs and lead to more unemployment. Yet, this is the probable outcome if we pass H.R. 5900.

The workers in the 15th Congressional District of Michigan and throughout America have been hard hit by the corrosive effects of imports and recession. In my estimation, this CBI proposal does not do anything to improve it. This legislation should be returned to the Ways and Means Committee. This simply is not the time to pass a measure that exports American jobs.●

The CHAIRMAN. All time for general debate has expired.

The Chair recognizes the gentleman from Kentucky (Mr. MAZZOLI).

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MAZZOLI), having assumed the chair, Mr. NATCHER, 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. 7357) to revise and reform the Immigration and Nationality Act, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE TONY COELHO

The SPEAKER pro tempore laid before the House the following communition from the Honorable TONY COELHO, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 15, 1982.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker, House of Representatives, the Capitol, Washington, D.C.

DEAR MR. SPEAKER: In compliance with Rule 50 of the House Rules, I wish to hereby notify you that my office is in receipt of a subpoena for my testimony in *United States of America* v. *David Heersink* and also *United States of America* v. *David Fothergill.*

Sincerely,

TONY COELHO,
Member of Congress.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following communication from the chairman of the Committee on Agriculture:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C., December 10, 1982.

Hon. THOMAS P. O'NEILL, JR.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of section 2 of the Watershed Protection and Flood Prevention Act, as amended, the Committee on Agriculture today considered and approved the work plans transmitted to you by Executive Communication and referred to this Committee. The work plans approved are:

Watershed	State	Executive communication
Hoyle Creek	Oklahoma	4698, 97th Congress.
Tehachapi	California	5114, 97th Congress.

Enclosed are Committee Resolutions with respect thereto. With best regards,

Sincerely,

E (KIKA) DE LA GARZA,
Chairman.

REQUEST FOR CONSIDERATION OF HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 5536, AUTHORIZING SECRETARY OF THE INTERIOR TO ENGAGE IN FEASIBILITY STUDY OF WATER RESOURCES DEVELOPMENT IN NEBRASKA

The SPEAKER pro tempore. For what purpose does the gentleman from California (Mr. BURTON) rise?

Mr. PHILLIP BURTON. Mr. Speaker, I rise for the purpose of making a unanimous-consent request which has been cleared from the other side, and the unanimous-consent request is as follows:

The SPEAKER pro tempore. The Chair would direct a question to the gentleman from California and state that at this late hour, at 5 minutes to 1 o'clock in the morning, the Chair was unaware that any further substantive business would come up before the House. The Chair was only aware of the business which has just been concluded, which is the general debate on the Immigration Reform and Control Act. The Chair was unaware of this matter and has not had a chance to consult with leadership on whether or not this matter would fit within the array of legislation which should come up, and the Chair would ask the gentleman the question——

Mr. PHILLIP BURTON. Mr. Speaker, I can hardly quarrel with the fact that our junior Member from Kentucky was unaware of this, but the Chair and the Parliamentarian have been aware of this at the desk for some 3½ hours while we have been listening to the gentleman's bill.

The SPEAKER pro tempore. The Chair would ask the gentleman, has the gentleman had an opportunity to check with the leadership of the House?

Mr. PHILLIP BURTON. Mr. Speaker, how does one describe "leadership"? With whom?

The SPEAKER pro tempore. With respect to the bringing of this legislation at this time.

Mr. PHILLIP BURTON. Mr. Speaker, I am unaware of any Member in our leadership who is opposed to this. I am aware of about a 20th of the Members of the House who are for this proposal.

The SPEAKER pro tempore. The Chair understands. The Chair would suggest that, because of the membership of House having left the House thinking the only matter before it would be the Immigration Reform and Control Act under general debate, is at a disadvantage in being unable to be aware of the gentleman's motion.

Mr. PHILLIP BURTON. Mr. Speaker, it is not a motion. It is a unanimous-consent request and I would urge regular order to see if there is objection to the request.

The SPEAKER pro tempore. The Chair would ask the gentleman's indulgence. Given the nature of the circumstance, the Chair would ask if the gentleman would kindly withhold his motion.

Mr. PHILLIP BURTON. There is no motion before the House. The request is a unanimous-consent request. That takes a Member to object.

The SPEAKER pro tempore. The Chair would again request of the gentleman if he would be so kind as to withdraw his unanimous-consent request, given the unusual nature of the circumstance.

Mr. PHILLIP BURTON. Mr. Speaker, that is the third time the temporary Speaker has imposed that request on the gentleman from California. The gentleman from California would observe that under regular order it takes one of the membership, not the presiding temporary Speaker, to interpose an objection.

The SPEAKER pro tempore. The Chair might say that the gentleman from Kentucky who has assumed the chair is entitled to some chance to ask the question.

Mr. PHILLIP BURTON. I appreciate the Chair's observation. That is why I want to proceed with my unanimous-consent request.

The SPEAKER pro tempore. Again the Chair would say to the gentleman with respect that the membership of the House had left the House with assurances from the leadership on both sides.

Mr. PHILLIP BURTON. Mr. Speaker, does the gentleman want a quorum call to establish that?

The gentleman from California is prepared to ask for that, too.

□ 0100

The SPEAKER pro tempore. The Chair is suggesting that the gentleman might under the circumstances, given the peculiar nature and the hour, which is 1 o'clock, would under the circumstances withhold his unanimous-consent request until the Chair has had an opportunity to check with the leadership.

Mr. PHILLIP BURTON. The gentleman from California understands for the fourth time the suggestion from the gentleman from Kentucky.

The SPEAKER pro tempore. The Chair, if the gentleman would refrain. It is the Chair.

Mr. PHILLIP BURTON. The Speaker.

The SPEAKER pro tempore. That is right.

Mr. PHILLIP BURTON. And therefore I continue my unanimous-consent request and at the end of that time I will demand regular orders, the request being I ask unanimous consent to take from the Speaker's table the bill (H.R. 5536), an act to authorize the Secretary of the Interior to engage in a feasibility study of water resource development and for other purposes in the Central Platte Valley, Nebr., with a Senate amendment thereto and concur in the Senate amendment with an amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment as follows:

Strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

(1) Colville Indian Reservation, Chief Joseph Dam project, located in northeastern Washington.

(2) Gibson Dam powerplant, located on the Sun River in Lewis and Clark Counties, Montana.

(3) Imperial Irrigation District canal lining, located in Imperial Irrigation District, Imperial County in southern California.

(4) New Melones conveyance system study, Central Valley project, Stanislaus River division, located in Tuolumne, Calaveras, Stanislaus, San Joaquin, and Merced Counties, California.

(5) Pilot Butte powerplant, Riverton unit, located in Fremont County, Wyoming.

(6) Prarie Bend unit, located in the Platte River Basin, located in Buffalo and Hall Counties, Nebraska.

(7) Siletz River Basin project, located in Lincoln and Polk Counties, Oregon.

(8) Spring Canyon pumped-storage project, located in Mohave County, Arizona.

(9) Tongue River Dam, located in Big Horn and Rosebud Counties, Montana.

(10) Water conservation and efficient use program, All-American canal relocation project, located in Imperial County, California.

(11) Upper Klamath offstream storage study, Klamath project, located in Klamath County, Oregon.

(12) South Dakota water deliveries study, Pick-Sloan Missouri Basin program, located in Brown and Spink Counties, South Dakota.

(13) Central South Dakota water studies, Pick-Sloan Missouri Basin program, located in Sully, Hughes, Hyde, Hand, Beadle, and Faulk Counties, South Dakota.

(14) Blue Holes Reservoir, located in Fremont County and the Wind River Indian Reservation, Wyoming.

(15) Muddy Creek Basin hydrologic, surge relief, and erosion control study, near Great Falls, Montana.

The Clerk read the House amendment to the Senate amendment as follows:

In lieu of the Senate amendment insert:

Strike out all after the enacting clause and insert:

That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

(1) Colville Indian Reservation, Chief Joseph Dam project, located in northeastern Washington.

(2) Gibson Dam powerplant, located on the Sun River in Lewis and Clark Counties, Montana.

(3) Imperial Irrigation District canal lining, located in Imperial Irrigation District, Imperial County in southern California.

(4) New Melones conveyance system study, Central Valley project, Stanislaus River division, located in Tuolumne, Calaveras, Stanislaus, San Joaquin, and Merced Counties, California.

(5) Pilot Butte powerplant, Riverton unit, located in Fremont County, Wyoming.

(6) Prairie Bend unit, located in the Platte River Basin, located in Buffalo and Hall Counties, Nebraska. Such feasibility study shall include a detailed report on any effects the proposed project may have on wildlife habitat, including habitat of the sandhill crane and the endangered whooping crane.

(7) Siletz River Basin project, located in Lincoln and Polk Counties, Oregon.

(8) Spring Canyon pumped-storage project, located in Mohave County, Arizona.

(9) Tongue River Dam, located in Big Horn and Rosebud Counties, Montana.

(10) Water conservation and efficient use program, All-American canal relocation project, located in Imperial County, California.

(11) Upper Klamath offstream storage study, Klamath project, located in Klamath County, Oregon.

(12) South Dakota water deliveries study, Pick-Sloan Missouri Basin program, located in Brown and Spink Counties, South Dakota.

(13) Central South Dakota water studies, Pick-Sloan Missouri Basin program, located in Sully, Hughes, Hyde, Hand, Beadle, and Faulk Counties, South Dakota.

(14) Blue Holes Reservoir, located in Fremont County and the Wind River Indian Reservation, Wyoming.

(15) Muddy Creek Basin Hydrologic, surge relief, and erosion control study, near Great Falls, Montana.

SEC. 2. Before funds are expended for any of the feasibility studies authorized herein, the State in which the proposed project which is the subject of such feasibility study, or some other non-Federal entity, shall agree to participate in the study and to share in the cost of the study. The non-Federal share of the cost shall be a reasonable share, as determined by the Secretary of the Interior and may be partly or wholly in the form of services directly related to the conduct of the study.

SEC. 3. The Secretary of the Army, acting through the Chief of Engineers, is authorized and directed to complete protection of the Fisherman's Wharf area of San Francisco, California, substantially in accordance with the report of the Chief of Engineers dated February 3, 1978, as supplemented on June 7, 1979. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Mr. PHILLIP BURTON (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment and the House amendment to the Senate amendment be considered as read and printed in the RECORD.

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

Mr. WALKER. Reserving the right to object, first of all I would like to inquire of the gentleman whether or not this is precisely the same language that was brought before the House earlier this evening which, as I recall, did sustain an objection at that point? This gentleman reserved the right at that point and did not object, but

there was a gentleman in the Chamber, as I recall, who did object.

Are we talking about the precisely same language?

Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from California.

Mr. PHILLIP BURTON. The gentleman is correct.

Mr. WALKER. Given that circumstance, is there any assurance that the people who did have concerns about this were informed that this business would come before the House and, therefore, that their rights would be protected?

Mr. PHILLIP BURTON. There was no member affected by the amendment that objected. I cannot give the gentleman from Pennsylvania the assurance that those who did not have an immediate constituency or district interested be informed.

Mr. WALKER. Further reserving the right to object, the problem that this gentleman has at this point, and it is not personal, the gentleman did check with me and I did indicate that as I had no objection earlier this evening I have no specific objections now, but I am told on our side that we have no member of the committee that is concerned with this matter available in the Chamber at this point to make a decision on this.

Mr. PHILLIP BURTON. The members on your side, on the Interior Committee, I affirm unambiguously are for the gentleman from California's request. They favor the bill, be it the Member from California, (Mr. CLAUSEN) be it the ranking member after him on the Committee on Interior or Insular Affairs, the gentleman from New Mexico (Mr. LUJAN) or be it the gentleman from Nebraska (Mr. BEREUTER).

Mr. WALKER. Further reserving the right to object, this gentleman from Pennsylvania is in a very, very tough position, too, because our leadership is not here and we have no one here from the committee.

I have no reason to doubt whatsoever what the gentleman from California tells me with regard to the members of that committee, but I am not in a position to know whether or not they would agree to this request at this hour without other business being conducted.

Is there any chance that the motion could be withheld to the first thing in the morning so that we would have a chance to get these kinds of clearances? Is there any chance we could make that kind of an accommodation?

Mr. PHILLIP BURTON. If the gentleman from Pennsylvania insists on this reservation, then evidently I must yield to that position.

I also respect the gentleman from Pennsylvania's concern about orderly process. As for me, I have been waiting for some 3 hours to deal with this request and that has been at some inconvenience to this Member. So I will try to perceive the gentleman's concern and will yield to it.

Mr. WALKER. Further reserving the right to object, as I say, as I indicated earlier, I have no objection. But I do see some problem for me.

I am likely to have some Members raising questions with me tomorrow because the reason why this gentleman is in the Chamber at this hour—I would prefer to be back in my apartment getting some much-needed rest—but one of the reasons I am here is simply to protect that kind of a right on behalf of our Members.

So if that will accommodate the gentleman, and he would withdraw his request right now, I think we could get all of this clearance by the first thing in the morning.

Mr. PHILLIP BURTON. On the other hand, I could offer the gentleman the assurance that if this is passed tonight the Chair, the Speaker does not have to make any motion to reconsider laid on the table and therefore it could be in order tomorrow to redress this grievance, if there be one.

The SPEAKER pro tempore. I understand, if the Chair could advise the gentleman, that would change the gentleman's request from a unanimous-consent request to a motion.

I believe that the Chair might be able to help the two gentlemen who are trying to struggle to find a solution by suggesting that the Chair could guarantee that the gentleman would be the first order of business tomorrow when the House does convene. I could give that assurance and would communicate that to the Speaker of the House of Representatives.

If that would be satisfactory to the gentleman from California and the gentleman from Pennyslvania, then it would give us time to check with our respective leadership.

Mr. WALKER. Further reserving the right to object, I would say the gentleman from Pennsylvania is in some way here trying to be helpful to the Chair since I have no minority Members on this side with whom to consult with on this request.

I certainly think that that suggestion would be acceptable to this gentleman if the gentleman from California would agree to that.

The SPEAKER pro tempore. Does the gentleman from California find that satisfactory under these difficult circumstances?

Mr. PHILLIP BURTON. Once again the gentleman from California finds, as is not to unique in my parliamentary experience, the minority side has a lot more judgment than the punitive majority side and I will yield, not because of the Chair's request, but because of our distinguished gentleman from Pennsylvania's suggestion.

So I would ask this be put over until the first order of business tomorrow.

The SPEAKER pro tempore. I thank the gentleman.

Mr. WALKER. Mr. Speaker, I thank the gentleman and I withdraw my reservation of objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to House Resolution 632, agreed to on December 16, 1982, the Speaker did on December 17, 1982, make certification to the U.S. district attorney for the District of Columbia as required by House Resolution 632, of the failure and refusal of Ann M. Gorsuch, as Administrator, U.S. Environmental Protection Agency, to furnish certain documents to the Committee on Public Works and Transportation.

GENERAL LEAVE

Mr. WALKER. 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 the special order today by the gentleman from Texas, (Mr. ARCHER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

□ 0110

A TRIBUTE TO JIM COLLINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. ARCHER) is recognized for 60 minutes.

● Mr. ARCHER. Mr. Speaker, I would like to take this opportunity to salute my good friend, JIM COLLINS, for his 14 years of distinguished service to the residents of the Third District of Texas in the U.S. House of Representatives.

When I scheduled this special order honoring JIM, I thought it would be highly appropriate to salute him on his last day in the Congress. However, since the Members of the other body don't seem to be cooperating in this effort, it looks as though JIM will just have to stick it out a few more days. Knowing how much he has enjoyed his 14 years here, I don't think he will mind putting up with us all a little while longer.

JIM COLLINS is more than just a colleague to me—I count him as a very great friend, and I will always be grateful to him for his counsel and support during the years I have been privileged to serve with him. He cares passionately about our country, and treasures the traditional values upon

which our great Nation was founded. These values have guided his work in this body, and JIM has never been afraid to voice and vote his convctions—even in the face of great adversity.

American taxpayers have had great reason to be grateful for JIM's service here. He has been one of their staunchest champions in the Congress, and has always fought to protect the rights and freedom many of us have come to take for granted. JIM is a man of honor and great integrity, and I will miss his presence among us very much.

I would like to close by saying that the fine new Representative for the Third District of Texas, Steve Bartlett, will have some mighty tall Texas size boots to fill. JIM, my friend, it has been an honor and a pleasure to serve with you.

● Mr. RODINO. Mr. Speaker, I want to take this opportunity to honor a dedicated public servant and distinguished Member of this House who will not be returning next year. Ever since JAMES COLLINS first came to Congress in 1969, he has dignified this House by his concern for people and his dedication to principle.

I have often found myself on the opposite side of issues from my friend from Texas, but I have never doubted the sincerity of his convictions or his sensitivity toward the people of his district. A man of integrity and wit, JAMES COLLINS has been a conscientious statesman for his State and his country.

I am grateful for his friendship and I wish him all the best in the future.●

● Mr. BROOKS. Mr. Speaker, I know the people of Texas' Third Congressional District in Dallas are proud of the record Congressman JIM COLLINS has established since entering Congress in 1968. During his 14 years as a Member of the U.S. House of Representatives, the people of Dallas have always known they have a friend here in Washington with whom they could work on many projects of vital importance to the city of Dallas and the State of Texas. He has been a hardworking, capable member of the Texas legislative delegation and he demonstrated time and again a spirit of independence and determination to pursue goals important to his constituency and to his party.

While we have not always agreed on every issue confronting our country, those of us who value his independent perspective will miss the reasoned arguments that he has brought to our deliberations as a legislative body.

We will miss his presence when the 98th Congress convenes in January and I want to wish JIM COLLINS and his lovely wife, Dee, the very best that the future has to offer.●

● Mr. LEATH of Texas. Mr. Speaker, a few years ago, the dean of our Texas delegation, JACK BROOKS, was quoted as saying something like this: If a bill was up to reinvent the wheel, JIM COLLINS would vote "no." JIM has been so unafraid to voice opposition, even when opposition was not the politically safe move to make, I am surprised he did not rise in opposition to this special order in his honor. But, he did not, so he is just going to have to sit there and listen to us sing his praises.

If we were allowed to sing in the Chamber of the House, quite a few of us would raise our voices and serenade JIM with good Texas music. But we cannot sing here. Instead, I will go by the rules and just take a moment to thank JIM for his many kindnesses and courtesies and especially for the excellent representation he has given the fine people in the Third District.

We all know that JIM COLLINS has never avoided a disagreement and is totally committed to speaking his mind. And we have learned from him that, in the long run, this is best. JIM is always accessible, open to discussion, and available to share his time and thoughts. The Third District has been the beneficiary of caring, attentive representation, and the Congress has also profited by the association. We will all miss JIM COLLINS and he has our best wishes for happiness and success as he returns to private life. Serving with JIM has been a pleasure. His friendship has been a blessing.●

● Mr. SAM B. HALL, JR. Mr. Speaker, JIM COLLINS has achieved much in life, and even by Texas standards, he is a huge success. But one of his great accomplishments is one that he had nothing to do with; it was his birth in Hallsville, Tex. Not only is Hallsville my ancestral home, but it is located in the First Congressional District of Texas. So whether JIM likes it or not, I still consider him a constituent. Now that he has decided to return to Texas he is entitled to contact his Congressman on the critical issues of our times. Knowing JIM COLLINS as we all do, I have no doubt that he will be just as active in this regard as he has been on the House floor for the past 14 years.

It is hard to imagine this body without JIM COLLINS, and it is going to take some getting used to when we return in January. He has been my friend for a long time, and for the past 6½ years here in the House we have established a rapport and mutual respect of the most endearing and lasting quality imaginable.

On our concern for America we have no differences. Regardless of how one views JIM COLLINS' philosophy of government, there is absolutely no doubt about his sincere and abiding love of country. His devotion to freedom goes back to his roots in east Texas. It was nurtured in his strong work ethic and success as a businessman. It was proven in his outstanding combat record from the day he stepped ashore during the Normandy invasion to the cessation of hostilities in Germany. It has been demonstrated over and over in his stands—often lonely stands—in this body.

JIM COLLINS never shirks from duty. I think that Gen. Robert E. Lee had men in mind like JIM COLLINS when he responded to a question about the most important word in the English language. General Lee is said to have replied: "The most sublime word in the language is duty." JIM served as an engineer in World War II, and his sense of honor and duty aptly fit that description of the engineers that "when the going gets rough, the rough get going."

JIM COLLINS often fights the lonely battle. Many times he has taken this floor to fight big Government and challenge an ever-growing bureaucracy when others were not willing to do so, because the issue at hand had momentary political appeal. He does not relish being in a minority status on so many issues, but as Henry Clay once said, "I would rather be right than be President." JIM COLLINS fights for principle, and if the fight runs contrary to a popular view, or even the general view of his own party, he puts on the gloves.

This fall JIM COLLINS went forth to do battle, as he has so often in the past, against overwhelming odds and lost. He ran a tough, hard campaign against a popular encumbant. But here again, JIM COLLINS showed the courage of his convictions. It was not his time. Like the Man of LaMancha, it was an impossible dream.

This Congress will always need people of the independent, forthright character of JIM COLLINS. He is no conformist. He speaks his mind as men spoke their mind in Philadelphia over 200 years ago, and in the process gave us a nation. Some call him a gadfly. They called Patrick Henry a gadfly, too. We owe our destiny, our success as a Nation to such gadflies, and thank goodness for them.

To JIM, his lovely wife Dee, and their children, I can only say that it has been the greatest honor for me to have served with JIM COLLINS. Texas and the Nation is a better place for his having served here for the past 14 years. I welcome our continued friendship, and, JIM, east Texas welcomes you anytime.●

● Mr. BROWN of Ohio. Mr. Speaker, on Wednesday, the Fossil and Synthetic Fuels Subcommittee held hearings on the crisis so many Americans are facing this winter as they try to pay their gas bills.

It occurred to me that it is both ironic and unfortunate that one of our colleagues who has spoken so consistently and strongly against the regulation that brought about this crisis, who has for the past 14 years, fought

against Government intrusion in the marketplace, will not be returning in January.

There can be no doubting that the gentleman from Texas will be sorely missed.

JIM COLLINS came to Congress in 1968 saying that this country has more government than it wants, more regulation than it needs and higher taxes than it can afford to pay.

He has applied that understanding to the legislative battles of the past 14 years, always making a powerful case and winning a reputation for trying to get the Federal Government off the backs of the American people.

He has applied his direct, commonsense approach to the work of the Energy and Commerce Committee, and on more than a few occasions has exposed Federal boondoggles for what they were.

JIM COLLINS never understood how putting price controls on domestic crude oil and hiring thousands of bureaucrats to allocate it could solve our energy supply problems.

JIM COLLINS never understood how putting bizarre price controls on natural gas could increase supply or give consumers a fair price or reliable availability.

JIM COLLINS never comprehended how hiring 20,000 people and setting up a new Energy Department would achieve energy independence for this country.

JIM COLLINS never fathomed how Federal programs would cause the American people to conserve energy more efficiently than a freely functioning marketplace.

And, you know, Mr. Speaker, JIM COLLINS was right.

If everyone had listened, we would be a lot better off today.

JIM never spared the Congress the wrath of his crusade for reform. He fought to reduce the number of staff members on the Hill and the ever-increasing size of legislative appropriations. He made the simple but compelling argument that the more experts Congress hires and the more legislating it does, the worse the country's difficulties become.

JIM COLLIN's mission as a Member of this body has been to fight big Government and proclaim the virtues of the market. He has warned us of the danger that big Government poses to entrepreneurship, innovation, and development.

We would do well to remember his efforts, surely, but, more importantly, we would do well to heed his message.●

● Mr. RINALDO. Mr. Speaker, I am pleased to join my colleagues in paying tribute to Representative JAMES COLLINS. Few Members of the House have demonstrated more the dedication to principle and the interest in legislation of the gentleman from Texas.

JIM COLLINS' philosophy is eloquently stated in an inscription posted on his office door: "No man's life, liberty or property are safe while the legislature is in session." His mission today—as when he first came to Washington 14 years ago—is the danger posed by big Government to the spirit of business and innovation which produces our Nation's wealth. How gratified he must have been when President Reagan triumphed on this message in 1980. Throughout my colleague's term of service, he has vigorously fought against the evils of big Government, both in the executive branch and in Congress.

Working with JIM COLLINS on the Commerce Committee the past 8 years, I have grown to appreciate his warmth, friendliness, eagerness, and commitment. I have seen him serve with gusto, optimism and boundless wit and humor. On more than a few occasions I had the pleasure of seeing JIM COLLINS leave a bureaucrat stunned with the simple and direct question, "Just what is it you do?"

He has contributed constructively to the welfare of the Nation. He is a cherished friend whose smiling coutenance will be missed in this Chamber. On his departure, I express my gratitude to JIM COLLINS for the service he has rendered to his country and for his kind friendship.●

● Mr. LOEFFLER. Mr. Speaker, on behalf of the 21st Congressional District—and especially on behalf of Kathy, Lance, and Cullen—I salute our good friend and colleague, JIM COLLINS, as he prepares to embark on new endeavors and new adventures.

For the metropolitan Dallas area, for the State of Texas, and for our Nation, your service, JIM, has been exemplary.

From a personal standpoint, your advice and counsel to me over the course of many years has been invaluable and I cherish our long association.

It is a privilege for me to have stood shoulder to shoulder with you in behalf of the principles in which we both believe so strongly. We shall do our best to continue, following the course which you have set.

Godspeed, JIM, and do keep in touch.●

● Mr. STENHOLM, Mr. Speaker, it is a pleasure to join with my colleagues in honoring a longtime Member of this distinguished body, Congressman JIM COLLINS of the Third District of Texas.

During his service in the House, Congressman COLLINS has come to represent a conservative viewpoint that was often admired by some of us on the opposite side of the aisle.

We have worked together on some issues and in opposition on others, but my respect for Congressman COLLINS has nothing to do with party labels. His work on the Energy and Commerce Committee has greatly benefited not only his constituency in the Third District, but all of Texas and his presence here will be missed by the Texas delegation.●

● Mr. MOORHEAD. Mr. Speaker, first of all I would like to thank the gentleman from Texas (Mr. ARCHER) for calling this special order so Members of the House can pay tribute to another outstanding Texan, Representative JIM COLLINS.

I have served with JIM COLLINS on the Committee on Energy and Commerce for 10 years. During that time I have come to like and appreciate him very much. He has been a steady and constant friend. He is a man of talent and integrity. He has been an esteemed and effective Member of the House since 1968.

During his distinguished career in the House of Representatives, he has made numerous contributions to our Nation, to our political system, and to his constituents.

He will be missed by his constituents and all his friends in the House, of which I am gratefully one. As JIM COLLINS moves on to other endeavors, I wish him every success and happiness.●

● Mr. LENT. Mr. Speaker, I rise today to pay tribute to my good friend and esteemed colleague, JIM COLLINS who, unfortunately, will be leaving the Congress at the end of this session. I have had the great privilege of working with JIM in my 12 years in the House of Representatives and recognize that his contributions to this body have been of great significance to the Third District of Texas he has so capably represented for 16 years, to the great State of Texas and to our great Nation.

JIM was elected to the House of Representatives in 1968 after serving as President of the Fidelity Union Life Insurance Co. His vast business experience has been an inestimable benefit to his legislative work in the Congress which has earned him great respect from our Republican and Democratic colleagues on the House Energy and Commerce Committee.

As the ranking minority member of the Subcommittee on Telecommunications, Consumer Protection, and Finance and a member of the Committee's two energy-related subcommittees covering coal, oil, gas, energy conservation, and power, JIM has made great contributions to legislation in these fields. My colleagues and I will sorely miss his legislative abilities and wise counsel on the committee.

JIM's 16 years of diligent congressional and community service have been recognized and honored by those he has worked with over the years.

JIM has received Southern Methodist University's Distinguished Alumni Award, the National Federation of Businessmen's Man of the Year Award, and the National Associated Businessmen's Watchdog of the Treasury Award.

Mr. Speaker, I have barely touched upon JIM's achievements and accomplishments during his 16 years of service to the Congress. Those of us who know JIM realize that his record in the Congress has been outstanding. Personally, JIM has been a good friend, a true gentleman, and a person of great integrity. Like all of us in the Congress, I regret his departure greatly. He will be truly missed.●

GENERAL LEAVE

Mr. ARCHER. 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.

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

There was no objection.

A TRIBUTE TO RICHARD WHITE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BROOKS) is recognized for 60 minutes.

● Mr. BROOKS. Mr. Speaker, I am delighted to have this opportunity to express my deepest respect for an outstanding Member of this body who is leaving us at the end of this session. Those of us who have served with him in the House of Representatives since 1965 will miss his contributions to the legislative process. As dean of the Texas delegation, I can tell you that our State's congressional team will miss his hard work, determination, and commitment to the people of our State and country.

RICHARD WHITE has been a colleague and friend of longstanding. We both served in the Pacific with the U.S. Marine Corps during World War II. Following the war we attended the University of Texas Law School, graduating in the class of 1949. Thus, I know RICHARD WHITE as a man of enormous intelligence, ability, and energy. His patient, tireless, and constructive work on behalf of his constituents in Congress has repeatedly demonstrated the depth and seriousness of his commitment to the best interests of our country.

To those of us who have served with him in the House of Representatives, RICHARD WHITE is one of the hardest working men on Capitol Hill. He has been a dynamic force for progress and a creative legislative leader. The people of Texas 16th Congressional District, including El Paso and several west Texas counties, have been very fortunate to have a man of RICHARD WHITE's character and understanding to represent them in the U.S. House of Representatives. I know that all of us here today appreciate RICHARD WHITE's record of service and we all want to wish him the very best that life has to offer during the years to come. He has been a good friend and a skillful and valued colleague. We will miss him in the 98th Congress.●

● Mr. ZABLOCKI. Mr. Speaker, I am pleased to join my colleagues in honoring the distinguished service to this body which has been performed over the past 17 years by the gentleman from Texas (Mr. WHITE).

The gentleman has not only served as a senior member of the Armed Services Committee and chairman of its Subcommittee on Investigations, but he has also taken an active interest in foreign policy legislation when it was brought to the House floor. His contribution to House debates on a number of important issues has been a positive and forceful one, and as chairman of the Committee on Foreign Affairs, I have welcomed and appreciated his input.

As a native Texan, born in El Paso and educated at the University of Texas in Austin, Congressman WHITE has retained a special interest in Latin American affairs and has served in the past as a valued member of the U.S. delegation to the annual interparliamentary conferences with Mexico.

The gentleman has, in fact, served his country in many different ways: as a marine during World War II, as an attorney, as a State legislator and county Democratic chairman, and finally as a Member of Congress.

I have no doubt that he will continue to participate actively in public affairs in the years ahead, and I extend to him and all members of his family my personal best wishes and congratulations for his considerable and valuable legislative accomplishments.●

● Mr. SAM B. HALL, JR. Mr. Speaker, my dear friend and fellow Texan, DICK WHITE, has ably represented the 16th District of Texas for 12 years, and he is going to be sorely missed by his constituency and his colleagues in the Congress.

When DICK WHITE initially came to the House, he campaigned hard on the theme of constituent service, and his success in this regard should be a model for all incoming freshmen Members. DICK WHITE knows west Texas, and the people of west Texas know him to be an effective and hardworking Member of Congress in their behalf.

As all of us know, DICK WHITE is a quiet, unassuming man who possesses good manners and a serious eye for congressional business. He works hard. He loves the institution of the House, and he leaves this body a better place for his having served.

DICK WHITE is a patriot in the finest sense of the word. He loves his country, and as a combat veteran of World War II, he demonstrated the courage and bravery that America will always call upon in its hour of need. He participated in the worst of it, in the Pacific campaign as a U.S. marine. There is a hard and stout rule—a tradition—that once a marine always a marine. DICK WHITE fits that mold.

The House Armed Services Committee will especially miss DICK WHITE. He is a studious, thoughtful, and reflective member of the committee. When witnesses appear before the committee, especially the Subcommittee on Investigations, which he chairs, they had best be prepared. DICK WHITE does his homework. He understands the Defense Establishment and he is not a knee-jerk advocate of every defense program that comes down the pike. He respects the American taxpayer, and he demands a full accounting for every cent that is expended toward our defense effort.

On the energy front, DICK WHITE has demonstrated a tremendous knowledge and interest in alternative sources of energy. He has done an outstanding job on the Science and Technology Committee in the areas of energy and agricultural research. He understands the critical need for America to establish a comprehensive plan for scientific and technological achievement in the decades ahead, not only to be in position to compete economically with the rest of the world, but to provide a better life for future generations of Americans. Throughuot all these efforts, his thoughts and actions are in behalf of others. In essence, he is the very epitomy of the unselfish man.

Members of Congress like DICK WHITE are hard to replace. He has truly been the good and faithful servant. He can look back on his congressional career and have the confidence of knowing that his was a job well done.

DICK WHITE has made his mark. From his first election to the Texas Legislature in 1955 to the present, he has been in the political arena. His retirement is well-deserved but as we all know, a person like DICK WHITE never retires. Therefore, I look forward with the greatest enthusiasm to working with him in the future.●

● Mr. PRICE. Mr. Speaker, I rise to pay tribute to RICHARD C. WHITE, an esteemed member of the Committee on Armed Services who will be retiring from this body at the end of the 97th Congress.

DICK was elected to the 89th Congress in 1964 to represent the 16th District of Texas, and was reelected to each succeeding Congress. Since 1969 DICK has been a member of the Committee on Armed Services and has

served on a number of its subcommittees.

DICK WHITE has been a consistent proponent of a strong national defense and has been responsible for developing significant legislation to strengthen our military. As a member of the Personnel Subcommittee, which he chaired in the 95th and 96th Congresses, he sponsored important legislation concerning personnel matters. For example, through DICK's leadership, draft registration was reinstituted. He also has served as a diligent member of the Research and Development Subcommittee where he has been an active participant. He has been particularly concerned with our conventional and strategic modernization programs as well as technology transfer control initiatives.

As chairman of the Investigations Subcommittee during the 97th Congress, DICK conducted hearings on a wide variety of military matters. Of particular note are the hearings on the organization and structure of the Joint Chiefs of Staff. This record establishes the groundwork for future reform and is the basis for the bill that passed the House on August 15 that is designed to strengthen the joint military structure and to improve the quality of military advice to the President.

Under DICK's continued leadership in the 97th Congress, the subcommittee also conducted investigations into physical security at military bases and at contractors' plants; the acquisition process of the Department of Defense; the Army tank program; contingency U.S. military bases in the Western Pacific; issues surrounding U.S. participation in international military competitions; proposed procurement of the 9mm handgun; medical support equipment; and lobbying activities in the procurement of the C-5B and B-1B aircraft, and the sale of Saudi Arabia of the airborne warning and control aircraft.

DICK WHITE will be missed on the Armed Services Committee. He has been a dedicated and concerned member contributing enthusiastically to the committee's responsibilities, and he has been a kind and considerate friend to all of us. I extend my best wishes for the future to him and his lovely wife and family.●

● Mr. DE LA GARZA. Mr. Speaker, one of the great privileges of serving in this house is the association we have with some of the finest and most dedicated representatives of the people of our country. We are all conscious of the high honor of being selected by our fellow citizens to represent them here, but we soon become aware that most of us share this other privilege and honor of association.

Today, I join with my colleagues in paying tribute th RICHARD C. WHITE, one of the finest gentleman I have had the pleasure of knowing since coming to Congress together in 1965.

Being of the same congressional vintage I have come to know DICK well. He has always been a good friend—one to whom I could look for inspiration and guidance since our days in the Texas Legislature.

For 18 years now DICK has represented the 16th Congressional District of Texas with distinction. Fair and kindly he has worked faithfully for his constituents and the Nation. The strength of his personality, the willingness to say what many felt and the conviction to do the tough things that had to be done—these are all his qualities that will be forever gone.

His legislative record is a monument to constructive thinking, farsightedness and legislative acumen. His contributions to the Armed Services Committee and the Committee on Science and Technology are particularly impresive. There is no question the standards RICHARD set will be difficult to equal.

Though DICK is retiring the people of his district will benefit from the work and legislation with which he has been identified through the years. I will miss him. The House of Representatives will miss him. His experience, his wisdom, and his humor will be missed by all who have been fortunate enough to have had DICK as a friend.

While DICK is the type I hate to see leave the service of his country he is also the type I am happy to see take advantage of time to spend with his family and friends. In the years ahead I wish him all the best.●

● Mr. ANDERSON. Mr. Speaker, I, too, wish to add my comments to the tribute being paid to the gentleman from Texas, Hon. RICHARD C. WHITE.

Congressman WHITE has always sought to serve his fellow citizens, whether in his home town of El Paso, or in the Congress of the United States. He was awarded the Purple Heart for wounds received as a marine in the Second World War. After the war, DICK WHITE went to law school and started his own practice. But he wanted to continue to serve his country in the public arena. He was elected to the Texas House of Representatives in 1955, where he stayed 3 years. He then worked as El Paso County Democratic chairman from 1962 to 1963, before election to the U.S. House of Representatives in 1965.

Altogether, DICK WHITE has represented the people of the 16th Congressional District of Texas for 16 years, serving on the Armed Services and Science and Technology Committees. During that time he has proven himself to be an able colleague and accomplished legislator. His contributions will be greatly missed when he leaves us. My wife, Lee, joins me in wishing DICK and his wife, Kathleen, and their family, all the best in the years ahead.●

● Mr. ROE. Mr. Speaker, I rise today to salute our good friend DICK WHITE, who is retiring from Congress after 18 years of dedicated service to the people of the 16th District of Texas and the Nation.

DICK exemplifies the meaning of the term "representative." His devotion to the needs of the residents of his congressional district has set a standard for the rest of us to follow.

Let me give you an example of the extraordinary relationship DICK has with his constituents. Twice a year, DICK WHITE polls his district asking what his constituents want him to do on the major issues coming up in Congress. He then follows the advice given to him by their responses.

As a key member of the House Armed Services Committee, DICK, who represents the Fort Bliss Army post, has been a watchdog in protecting the rights of all servicemen. In his current role as chairman of the Armed Services Subcommittee, DICK WHITE has undertaken an extensive investigation into the delays and cost overruns affecting our major weapons systems.

A man of DICK WHITE's caliber will be sorely missed in this Chamber. I am sure my colleagues join me in wishing him the best of luck as he returns to his beloved State of Texas.●

● Mr. MONTGOMERY. Mr. Speaker, I am honored to take part in this great tribute to the distinguished gentleman from Texas, RICHARD WHITE, who is retiring after serving in this Chamber since 1965.

I certainly want to wish him the best, but I must say that his departure from this Chamber will leave a great void. He has been a close friend and I know that many of us have counted on his leadership and counsel over the years.

It has been a pleasure to serve on the Armed Services with DICK WHITE. He has been a most active and very effective chairman of the Subcommittee on Investigations. In the 96th Congress, he was chairman of the Subcommittee on Personnel and Compensation, and as a member of that subcommittee, I can say he was a very competent chairman.

DICK has been a positive force on the Armed Services Committee in helping make sure this Nation remains militarily strong. His valuable experience in the field of military affairs will be greatly missed. I know he has also been active on the Science and Technology Committee.

Perhaps of equal significance to the people of El Paso and the entire 16th District of Texas has been his 18 years of effective and swift constituent service.

This dedication to Texas and to this country began when he served as a

Japanese interpreter-rifleman in the Pacific Theatre in World War II, where DICK was awarded the Purple Heart. From there, he moved to the Texas House of Representatives before being elected to Congress in 1965.

Our offices are next door to each other in the Rayburn Building and we have served together since 1967. DICK's retirement will mean the loss of a good neighbor and close friend.

I know DICK will continue to be an outstanding leader when he returns to private life. He is a man of high integrity and I can say that he has the respect and friendship of so many of his colleagues in this Chamber. I am honored to have served with this fine man. He has truly been an outstanding public servant and we will miss him.●

● Mr. KRAMER. Mr. Speaker, as we gather together in this special order to honor DICK WHITE, I would like to express my sincere appreciation for the statesmanship and foresight that he has shown while a member of the House Armed Services Committee.

As chairman of the Investigations Subcommittee of that body, DICK WHITE has played a role that very few of us can hope to play while here in this Congress. For it was his interest in looking at our policymaking process for defense, particularly the Joint Chiefs of Staff, that resulted in perhaps the most significant set of hearings in the area of defense that have been held in the last few years.

Those of us who served with him on the Armed Services Committee owe him a great deal for the remarkable grasp this man has shown on a subject that may be far more important to our national security and our national survival than any defense budgets we may vote on while serving here. For he has forced us to confront the issue of how we think and organize ourselves to look at new policies and concepts for defense.

I, along with a number of my colleagues, owe him a great deal of thanks for the hearing that he so graciously devoted to our legislation, H.R. 5130—the Aerospace Force Act—this past May. Those of us who sponsored this legislation were very concerned about how our Nation's leaders are organized to look at new strategic policies involving space. We realized that this was a subject of formidable complexity and also involved issues of great sensitivity.

However, we could not have found a better man to appreciate the magnitude of what we sought to do than DICK WHITE. He put together a hearing which to this day remains the first one that has ever been held by the Armed Services Committee on the organizational and conceptual changes needed in the U.S. military space program. At a time when my colleagues and I were searching for ways to get a public discussion of different concepts for arms control and strategic policy, DICK WHITE's hearing gave us the kind of opportunity we needed. I should note that the hearing helped to stimulate the creation of the new Air Force Space Command, which is located in my district.

This Congress will miss DICK WHITE, not just as a statesman and an individual, but also as one of its most farsighted thinkers and leaders in the area of defense policy.

His chairmanship of the Investigations Subcommittee has been characterized by the fairness, the candor, and the dignity that individuals such as he bring to demanding posts. My colleagues and I owe him a special measure of gratitude for serving in this Congress as competently and diligently as he has.

My best wishes go with him as he leaves this body. He has served our Nation's Armed Forces well and will no doubt serve as a statesman in other capacities as he leaves this body.●

● Mr. CARMAN. Mr. Speaker, I rise today on the occasion of the retirement of RICHARD WHITE from the Congress. He began his service of his country in the Marines during World War II. Since 1965 he has served as the Congressman for the 16th District of Texas and he presently serves on the Armed Forces and Science and Technology Committees. His impressive career and the distinction with which he has served during his 18 years in this body make it a pleasure to pay tribute to him on his retirement. I have enjoyed working with him during the 97th Congress and I wish him all the best in the future.●

● Mr. NICHOLS. Mr. Speaker, I appreciate my good friend, Congressman JACK BROOKS, making the necessary arrangements for a special order at the close of business today at which time the many friends of retiring Congressman RICHARD C. WHITE have the opportunity to pay tribute to this outstanding Member of the Congress from the lone star State of Texas.

It has been my good fortune to have served with Congressman WHITE on the Armed Services Committee of the House of Representatives now for some 14 years and I have had the additional privilege of sitting next to him on the committee for all this time. Furthermore, we have served our constituents in the Nation as members of the Armed Services Committee on a number of joint subcommittees. In this past Congress, DICK served on my Subcommittee on Military Personnel and Compensation and in the previous Congress I served on his Subcommittee on Personnel.

There are many fine qualities which I have learned to admire in serving with my good friend from Texas. I respect his combat service with the U.S. Marines in World War II in the Pacific and his insight into military matters were certainly broadened by that experience. I also appreciate his attention to details—the crossing of "t's" and the dotting of "i's" and his ability to examine the fine print and to add as he termed it "perfect amendments." I could not begin to list the bills coming out of Armed Services Committee in which DICK WHITE's perfecting amendments improved the structure of that bill and clarified a particular clause in a given piece of legislation.

Mr. Speaker, DICK WHITE and I have been close friends over all these years, and I would want to take this occasion to express my regrets that he has chosen to leave the Congress after 16 years of service to his State and to his Nation. The Congress and the Armed Services Committee will be the poorer because DICK WHITE has left the Congress, and I am certain that his home city of El Paso will be the richer as he returns home to practice law. I wish for him and his lovely wife, Kathy, continued good health and happiness in the years ahead.●

● Mr. ANNUNZIO. Mr. Speaker, I rise in tribute to the Honorable RICHARD C. WHITE, who is retiring after 18 years of distinguished service at the close of the 97th Congress. It has been a rewarding personal experience for me to have known DICK as a colleague and I am honored to have served with him in the House of Representatives since we came to Congress together in 1965 at the beginning of the 89th Congress.

RICHARD WHITE has given dedicated and devoted service to his constituents of the 16th District of Texas. Admiration for his leadership is not confined to the citizens of Texas, for he is respected by every Member of Congress. His diligent efforts as chairman of the Subcommittee on Investigations of the House Committee on Armed Services 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 RICHARD WHITE. As a member of the House Science and Technology Committee he has been in the forefront of efforts to enhance America's precious resources and natural wealth for present and future generations, and indeed, these successful efforts have made our land a stronger and better country.

DICK has compiled a splendid record of excellence and achievement, and his inspiring example will be missed here in the House. He is a dedicated and devoted American, and a Congressman of outstanding ability, deep compassion, and courage in total dedication to high standards.

Seldom does one find a man of RICHARD WHITE's stature, and he can leave the House with the assurance that through his efforts mankind has benefited. I extend to RICHARD C. WHITE my warmest best wishes for continued success in devotion to the highest principles.●

● Mr. BRINKLEY. Mr. Speaker, it is a pleasure to join the gentleman from Texas in paying tribute today to a remarkable man, RICHARD C. WHITE, with whom I serve on the Armed Services Committee. RICHARD is known as the conscientious one on our committee. He is not satisfied with anything less than perfect. He believes in dotting the i's and crossing the t's.

At the University of Georgia Law School, when I was there, our most gifted professor, Dr. D. Meade Field, said that laws should be polished as rare jewels because they touch the lives of so very many people. DICK WHITE has followed that admonition, ever, and without fail. He is my longtime personal friend and one of Shelley's definitions fits him very well: "* * * the record of the best and happiest moments of the happiest and best minds."

RICHARD, you belong on the honor roll of Congressmen, and may your return to the practice of law give you much satisfaction, in the continuing service of your fellow man.●

● Mr. ERLENBORN. Mr. Speaker, I would be remiss if I did not offer my best wishes to our retiring colleague from Texas, DICK WHITE.

DICK and I came to Congress together in 1965, and we were hall neighbors in the Cannon and Rayburn Building for several years. I will miss him, however, not just because we are long-time friends, but also because of my respect for his legislative skills.

I hope that DICK gets as much good in his retirement as he has contributed to the House of Representatives.●

● Mr. HANCE. Mr. Speaker, I rise today to honor our retiring colleague, the Honorable RICHARD C. WHITE of the 16th Congressional District in Texas.

DICK WHITE's 18 years of service to this body is one of distinction and honor. He has served the needs of this district, his State, and his Nation with honor and courage. His district includes the thriving urban area of his hometown, El Paso, as well as the most sparsely populated county in our Nation—Loving County and its 191 citizens.

DICK WHITE has served them all with a sure and steady hand. In fact, DICK WHITE's career as a soldier and statesman is one marked by accomplishment and excellence. He served his Nation as a member of the U.S. Marine Corps in World War II in the Pacific, returning to Texas to gain his undergraduate degree at the University of Texas at El Paso in 1946 and his law degree from the University of Texas at Austin in 1949. He gained respect and admiration as a practicing attorney in his beloved hometown of El Paso and became a power to deal with in Democratic politics.

He was elected to the Texas House of Representatives in 1955 and also served as El Paso County Democratic chairman before being first elected to this distinguished body in 1964.

DICK WHITE set his priorities properly when he arrived on Capitol Hill. His district is the home of Fort Bliss, and DICK WHITE lost no time in gaining a seat on the Armed Services Committee. Today, he is the fourth-ranking member of that distinguished committee and serves as its Investigations Subcommittee chairman. He also serves on the Military Personnel and Compensation Subcommittee as well as the Research and Development Subcommittee.

DICK WHITE also served this body and his district well as a member of the Science and Technology Committee, sitting on the Energy Development and Applications Subcommittee and the Natural Resources, Agriculture Research and Development Subcommittee.

His 18 years of service on Capitol Hill leaves his successor with a legacy of hard work and conscientious service.

DICK WHITE is, without a doubt, the most conscientious Member I have had the honor of working with in the House of Representatives.

We wish him well and we will miss him.●

● Mr. STENHOLM. Mr. Speaker, I have participated in a number of special orders during the past few days, but none with quite the sense of loss that I feel on this occasion.

DICK WHITE of the 16th District of Texas is one of the finest Congressmen I have known since coming to Washington. His quiet, unassuming leadership; his welcome counsel and advice to a junior Congressman; and above all, his friendship have meant a great deal to me and his presence will be greatly missed.

DICK WHITE has represented an area of Texas, known as the Trans-Pecos, that is a uniquely diverse region, both in its size, its geographics and its citizenry. He has served that area well, as evidenced by his reelection to this body for nine terms of office—18 years of valued public service.

DICK has served with distinction on the Armed Services Committee and particularly as chairman of the Subcommittee on Investigations. He is also a member of the Science and Technology Committee, where his work on the Agriculture Research and Environment Subcommittee has been of particular interest to me.

DICK leaves us to return to his home, El Paso, Tex., and his lovely family and we wish him well.●

● Mr. LEATH of Texas. Mr. Speaker, when RICHARD C. WHITE came to Congress in 1965, this institution was immediately enhanced. Since that time, every Member of Congress has been grateful for the opportunity to work with and learn from this remarkable man.

If we were to ask the average American citizen what he or she expected in a Representative, we would get answers like "hardworking," "honest," "intelligent," "compassionate," "thorough," and "fair." Other words like "integrity," "decency," "tenacity," "diligence," "accessibility," "cooperation," "concern," and "dedication" would also be mentioned. In every instance DICK WHITE fits the bill. By any measure, he is an American ideal.

The Nation, the Congress, and the State of Texas have been well served by DICK WHITE. El Paso is, in my view, one of the most fortunate cities in the country because DICK WHITE has truly represented its interests. And we, his friends and colleagues, have been the luckiest of all. We have had the great fortune of almost daily contact with a very special, very human being. DICK's grace and dignity have enabled him to make constant, lasting contributions in his public service. If there were any fairness in the order of things, we would be able to return in some measure what he has given us. As it is, this is impossible, because his body of work here has been so great.

DICK, you have been a loyal friend, a trusted colleague, and an inspiration to us all. We wish you Godspeed as you leave public life. You take our deepest appreciation and affection with you.●

● Mr. FROST. Mr. Speaker, as the 97th Congress draws to a close, I would like to honor a senior Member of the Texas delegation who is retiring. Congressman DICK WHITE has represented the 16th Congressional District of Texas for the past 18 years. He is held in the highest esteem by his constitutents whom he has served with loyalty and diligence.

DICK WHITE is a native of El Paso. He joined the Marine Corps, served as a Japanese interpretor in the Pacific theater, and was awarded the Purple Heart. Following the war, he received his law degree from the University of Texas and became active in the Texas Democratic Party. Dick served several terms in the Texas House of Representatives before coming to Congress in 1964.

Congressman WHITE served on the Interior and Insular Affairs Committee and on the Science and Technology Committee. However, he is most proud of his work on the Armed Services Committee. He used his chair-

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manship of the Military Personnel Subcommittee to steer the selective service registration legislation through the House of Representatives. DICK WHITE has always loyally supported our military and helped guide through Congress the first major pay raise for our military personnel. He also played a leading role in the extension of Champus benefits for the armed services.

For many years, defense specialists have advocated changes in the operations of the Joint Chiefs of Staff. Under Congressman WHITE's chairmanship of the Investigations Subcommittee, this issue was extensively studied and the reorganization of the Joint Chiefs of Staff was addressed. This legislation has passed the House and is currently pending in the Senate.

Perhaps the most potent commentary on DICK WHITE's tenure in office is made by those of us who admire and respect this honorable man. We know that DICK cherishes his family above all else. He subscribes to the Texas tradition that a man is bound not by contracts but by his word and commitment to others. A steady stream of well-wishers have come through his office in the last few weeks, because Congressman WHITE is known and loved by many staff members of this House. They share the loss with me as this fine gentleman retires from our Chamber. He will be missed by the many of us with whom he always had time to share a thought or lend a hand.

Congressman WHITE will be joining the firm of Hardie, Hallmark, White, Sergent & Hardie and will establish their Washington office. His polite cooperative nature will certainly be an asset to his clients and colleagues and we wish him well in this next stage of his career.●

● Mrs. HOLT. Mr. Speaker, I am very glad the gentleman from Texas has requested this special order for my good friend the gentleman from Texas, the Honorable DICK WHITE. I have had the pleasure of working with DICK on the Armed Service Personnel Subcommittee, where he has been a fair and hard working chairman. I have been most impressed with his meticulous approach to his responsibilities, and the thoughtful way he approaches each problem. I will miss DICK who exemplifies the dedication necessary to best serve a congressional district.●

● Mr. WHITEHURST. Mr. Speaker, permit me to take this opportunity to pay tribute to a dear friend and colleague of mine on the Armed Services Committee, DICK WHITE of Texas. I have served with DICK since I was sworn in in 1969. During that time, I have come to admire his diligence and his thoroughness.

Few Members bring such a total commitment to their work as does DICK WHITE. At the same time, he is unfailingly polite and considerate of the opinions of his colleagues. Whether as chairman of a subcommittee or a member in the ranks, DICK has never badgered a witness nor been offensive toward another member. These are fine qualities that we are going to miss.

On the occasion of his leaving the House, therefore, I join my colleagues on both sides of the aisle in wishing him health, much happiness, and every success as he returns to his native State.●

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that under the special order which I have arranged for today at the close of business, all Members shall have leave to address and revise and extend their remarks on the Honorable DICK WHITE, who is retiring.

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

REPORT TO THE PEOPLE—FIRST CONGRESSIONAL DISTRICT OF NEW YORK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CARNEY) is recognized for 15 minutes.

● Mr. CARNEY. Mr. Speaker, I would like at this time to submit a "Report to the People" of the First Congressional District of New York. This report is a summation of votes cast, actions taken, and progress made by their U.S. Representative on their behalf in 1982. This tradition of keeping the people informed with a year-end report of this nature is a long-standing one in our area. I am proud to carry on this tradition for what is now the fourth year of my service to the people of the First Congressional District.

Below are listed the significant votes taken since we began the 2d session of the 97th Congress in February. This year there were about 500 times that I was called to the floor of the House to respond to a recorded call for a quorum of Members to do business or to indicate a position for or against legislation or the procedures proposed for considering it. In these closing hours of this Congress, I want to take the opportunity to look back over what we have wrought.

The record shows that this Congress will have enacted the fewest number of laws of any Congress since the end of World War II. In large part, of course, this reflects the fact that many bills have been packaged into omnibus bills containing many programs and provisions. The lower number of laws does not mean, however, that this Congress was without accomplishment.

In fact, the fewer number of laws enacted may be one of the best signs of what this Congress has succeeded most in accomplishing. Much of the debate this year, both in committees and in the full House, has centered on what I believe is Congress most important function after seeing to the defense of our country. And that is to control the purse strings of the National Government.

Those of us elected to the 97th Congress were given a clear message from the public that they wanted a change of direction for this Government. I submit that much of what has been accomplished in this second session has been related to the new direction we charted in 1981. In 1981 we began, for the first time with a majority of votes, to reexamine the decades-old assumption that the only change possible in the Federal budget was for it to expand. Last year we cut income taxes by 25 percent over 3 years for all taxpayers. Hand in hand with this expected slowing of growth in how much the Government takes from the public in taxes, we began to start holding down increases in proposed spending.

This year that process has continued. Much of our time in committee has been spent determining where our limited resources would be best spent. Many of the votes in the full House likewise have centered around how much individual programs should receive from the total amount of revenues available. But we still are a long way from living within our budget as American families and other levels of government must.

I deeply regret that on October 1 this body refused to give the American people what they want and what they have asked for repeatedly. On that day, on a party-line vote, the majority rejected a proposed constitutional amendment requiring a balanced Federal budget each year, except in time of war, unless three-fifths of the entire Congress agreed to deficit spending.

The American people want their National Government to be fiscally responsible. Thirty-one of our State legislatures have passed resolutions requesting a constitutional convention in order to draft a balanced-budget amendment to the Constitution. I have cosponsored a balanced-budget amendment every year I have served in Congress, and I was extremely disappointed by the full House action this fall. I plan to reintroduce this amendment in the next Congress and hope we will finally prevail then. But the defeat of the amendment this year at least served to give the people a clear contrast between rhetoric and action when it comes to bringing a runaway budget under control.

The importance of the balanced-budget issue cannot be underestimated. That is because many of our economic troubles can be laid at the feet of decisions made by the Federal Government in recent years, with not a small part of the blame being the deficit budgets past Congresses have voted.

Twice this year we have had to lift the statutory debt ceiling, or what is essentially our national credit line, so that the Treasury Department could borrow to pay our bills. As of the close of business this past Monday, the total outstanding public debt stood at $1,169,221,000,000. Figures in the billions are difficult to conceive. That this country is more than $1 trillion in debt is staggering to consider. Yet until we end deficit budgets, we cannot even begin to start whittling away at that total debt.

Making the decisions that would lead to greater fiscal responsibility is far from simple. It took nearly half this year to reach agreement on the first budget resolution which set targets for budget authority, spending, revenues, and projects deficit in fiscal year 1983, which began October 1. There were 46 hours and 12 minutes of actual floor debate of 7 separate first budget resolution proposals and 68 separate amendments to different aspects of those packages. Yet that first round of debate failed to produce a budget resolution. Two weeks later, on June 10, we finally managed to come up with an acceptable resolution.

While Congress spent much time and effort on budget issues, there was substantial action on other matters important to the people of Long Island and the rest of the country.

While on Long Island we have been fortunate that our employment has held up well, other parts of the country have been hard hit. The House and Senate, in response to this situation, agreed to extend unemployment compensation benefits an additional 6 to 10 weeks, for up to 49 weeks of benefits in some States. This was designed to help about 2 million jobless workers who had exhausted their regular benefits.

We also established a new job-training program for the unemployed. Unlike the old CETA program, instead of public-service jobs this new legislation concentrates on providing job skills and other employment-related help to low-income persons with severe problems in the job market. We also have given a greater role to State governments and private industry in this job-training program.

One area of Federal assistance that is especially important to Long Island families is student aid. The House, with my support, voted to prevent real reductions in guaranteed student loans, the largest of our college student aid programs. In addition, we specified that rules for distributing Pell grant awards in effect for this school year be carried over to the next school year. This action maintains support for these grants without large cuts in aid.

Briefly noting some of the other actions we took this year, the House has passed a 25-year extension of the Voting Rights Act of 1965, legislation to help the savings and loan industry, deregulated the intercity bus industry, passed legislation to create a Government disposal plan for highly radioactive nuclear waste, reauthorized the Endangered Species Act for another 3 years, and reauthorized the major Federal law dealing with management and disposal of hazardous wastes.

In one environmental action directly affecting lands in Suffolk County, legislation was enacted banning Federal subsidies for development of designated undeveloped coastal barrier islands and structures. There are 12 such designated undeveloped coastal barrier beaches in our area covered by this new law designed to protect these fragile areas while saving Federal taxpayers from paying for costly replacement or repair of structures and facilities damaged by storms.

In the First Congressional District we have a special interest in environmental issues, especially relating to the underground aquifer that is the sole source of our drinking water.

Following up on congressional hearings we held in Southampton in May 1981, this year I introduced the Sole-Source Aquifer Protection Act of 1982, H.R. 5562. This legislation calls for amending the Safe Drinking Water Act to allow the Federal Government to provide financial assistance to local governments for planning the best means to protect their water supply.

The bill is aimed at protecting "critical recharge areas" for officially designated sole-source aquifers such as ours. On Long Island, a critical recharge area is the Pine Barrens land in Brookhaven, Southampton, Riverhead, and East Hampton Towns. The Pine Barrens overlie some of the purest portions of the underground water supply which become increasingly important for our future because of contamination and pollution of other portions of the aquifer.

Senator MOYNIHAN introduced this legislation as a companion measure in the Senate the same day mine was submitted. While we managed to get Senate hearings this year, action in the House was held up when the committee to which the bill was sent for consideration declined to work on the Safe Drinking Water Act until it finished rewriting the Clean Air Act.

All bills die with the end of a Congress. I plan, therefore, to reintroduce the Sole Source Aquifer Protection Act in the 98th Congress and hope we will manage to get it passed then.

The 2 years of the 97th Congress have seen important and far-reaching changes in the direction of the Federal Government. It has been an honor to have been part of those changes as the Representative of the people of the First Congressional District of New York.

I look forward to serving the people in the 98th Congress which convenes on January 3, 1983. During that Congress I will make every effort to communicate with the people of the First District, just as I have in this Congress.

Only if I know what the people are thinking can I expect to truly represent them. I thank those who have taken the time to share their comments with me over the past 2 years. I look forward to continue to hear from the people through their letters, postcards, telephone calls, and visits. It is my hope that together we can insure that the voice of the First Congressional District is heard here in Washington in the 98th Congress.

DATE, LEGISLATIVE ISSUE, AND CARNEY VOTE

Feb. 9: Send FY '82 Supplemental Appropriations/Commodity Credit Corp. back to committee with instructions to add language banning use of funds for payment on guaranteed loans to Poland. (Rejected, 152-256)—Yes.

Feb. 9: Pass resolution appropriating $5 billion in supplemental funds for the Commodity Credit Corp. to repay Treasury for funds borrowed in FY '80, '81 and '82. (Passed, 320-86)—No.

Feb. 9: Provide $123 million supplemental appropriations for low-income energy assistance payments, with amendment preventing its use for payment of air-conditioning bills. (Approved, 342-62)—Yes.

Feb. 9: Pass $2.3 billion extra for unemployment insurance program and U.S. Employment Service in FY '82. (Approved, 398-3)—Yes.

Feb. 10: Add appropriation for low-income energy assistance payments to bill appropriating money for the Commodity Credit Corp. (Approved, 264-62)—Yes.

Mar. 2: Express Congress' opinion that the President should press for unconditional discussions among major political factions in El Salvador to guarantee free and open democratic elections. (Approved, 396-3)—Yes.

Mar. 2: Express Congress' opinion that the President should do what he can to get the Soviet Union to comply with its obligations under international agreements to respect the rights of its citizens to practice their religion and to emigrate, and to allow Jews who wish to emigrate to do so. (Approved unanimously, 387-0)—Yes.

Mar. 2: Give federal agencies permanent authority to establish flexible employee work schedules. (Rejected, 225-142)—Yes.

Mar. 4: Request President to proclaim Mar. 21, 1982, "Afghanistan Day" to commemorate struggle of Afghans against occupation by Soviet forces. (Approved unanimously, 346-0)—Yes.

Mar. 9: Authorize an increase in producer assessment for research and promotion by the National Potato Promotion Board and authorize other changes in the program if a producer referendum passes. (Approved, 361-8)—Yes.

Mar. 18: Clarify Secret Service authority to protect designated person and increase penalties for violation of "zone of protection" around protected persons. (Approved, 379-1)—Yes.

Mar. 18: Reaffirm that savings deposits up to the statutorily prescribed $100,000 in federally insured depository institutions are backed by the full faith and credit of the U.S. (Approved, 382-7)—Yes.

Mar. 23: Extend for 10 years the life of the Gateway National Recreation Area Advisory Commission. (Approved, 368-30)—Yes.

Mar. 23: Authorize Interior Secretary to enter into cooperative agreements to help with historic preservation of Camden, S.C. (Rejected, 243-152)—No.

Mar. 23: Allow International Communication Agency to distribute within the U.S. the slide show "Montana: the People Speak." (Approved, 388-11)—Yes.

Mar. 23: Require federal government to pay interest on overdue payments for property or services. (Approved unanimously, 396-0)—Yes.

Mar. 23: Allow all federal departments and agencies to contract for material and services from other agencies. (Approved, 356-43)—Yes.

Mar. 23: Extend Section 235 mortage-assistance program for low-income buyers through FY '82. (Approved, 341-54)—Yes.

Mar. 23: Extend flexible work schedules for federal employees for four months. (Approved, 361-33)—Yes.

Mar. 24: Provide funding through Sept. 30, 1982, for government agencies whose regular FY '82 appropriations bills had not been enacted. (Approved, 299-103)—Yes.

Mar. 30: Express House concern over Appeals Court decision and state that establishment of a House Chaplain is an appropriate and constitutional exercise of congressional powers. (Approved, unanimously, 388-0)—Yes.

Mar. 30: Designate April 19, 1982, "Dutch-American Friendship Day." (Approved, 379-1)—Yes.

Mar. 30: Proclaim April 4, 1982, "National Day of Reflection." (Approved, 387-3)—Yes.

Mar. 31: Authorize spending $39.6 million for 23 House committees and for computer services in calendar 1982. (Approved unanimously, 416-0)—Yes.

Mar. 31: Amendment to send House committee spending bill back to committee for further work. (Rejected, 148-270)—Yes.

Mar. 31: Final passage of House committee spending authorization for calendar 1982. (Approved, 282-132)—Yes.

Apr. 29: Agree to amendment requiring local beneficiaries of federal irrigation dams to share in the cost of repairs authorized under the Reclamation Safety of Dams Act. (Approved, 212-140)—Yes.

Apr. 29: Pass Reclamation Safety of Dams Act to increase authorization for repairs to federally built dams from $100 million to $650 million and require those who benefit from the dams to share in the cost of their repair. (Approved, 335-9)—Yes.

May 5: Pass Debt Collective Act to improve government debt collection. (Approved, 402-3)—Yes.

May 6: Pass bill amending law that governs farmers' use of irrigation water from federal reclamation projects. (Approved, 228-117)—Yes.

May 11: Provide supplemental authorization to stimulate sales and production of single-family housing. (Approved, 349-55)—Yes.

May 11: Expand 10 demonstration programs providing federal judges with pretrial services for determining defendants' eligibility for bail. (Approved, 369-30)—Yes.

May 11: Designate three new national scenic trails and authorize study of six additional routes. (Approved, 389-6)—Yes.

May 12: Express Congress' opinion that if Israel is illegally expelled from, or denied credentials, to U.N. General Assembly or any U.N. agency, U.S. should suspended participation in the General Assembly and withhold financial support. (Approved, 401-3—Yes.

May 12: Provide $1 billion to HUD for mortgage-interest subsidy payments to homebuyers with family incomes not exceeding 130% of median income for their area. (Approved, 343-67)—Yes.

May 12: Prevent transferral of authority for surface mining of stone, gravel, clay and phosphate from Occupational Safety and Health Administration to Mine Safety and Health Administration. (Rejected, 186-220)—Yes.

May 13: Authorize $6.65 billion for NASA in FY '83. (Approved, 277-84)—Yes.

May 19: Authorize secret amounts in FY '83 for U.S. intelligence agencies' operations. (Approved, 357-23)—Yes.

May 19: Authorize $1.085 billion in FY '82 and $1.089 billion in FY '83 for the National Science Foundation. (Approved, 282-111)—Yes.

May 19: Change proposed amendment reducing National Bureau of Standards authorization by $12.5 million, to instead reduce it by $6.23 million. (Approved, 195-191)—No.

May 19: Send National Bureau of Standards authorization back to committee for further work. (Rejected, 193-193)—Yes.

May 20: Authorize minting three commemorative coins for 1984 Los Angeles Olympic Games. (Approved, 302-84)—Yes.

May 20: Revitalize housing industry by setting up a Treasury fund to guarantee the net worth of qualified mortgage lending institutions. (Approved, 272-91)—Yes.

May 20: Authorize Federal Savings and Loan Insurance Corp. to provide capital assistance to qualified lending institutions through purchase of income capital certificates. (Rejected, 155-209)—Yes.

May 21: Adopt First Budget Resolution for FY '83 substitute to require that any spending increases above FY '82 be matched by offsetting increases or spending cuts in other programs. (Rejected, 181-225)—Paired against.

May 24: Adopt First Budget Resolution for FY '83 substitute to fund emergency jobs programs while maintaining other domestic programs at real FY '82 levels, increase non-pay defense programs by 7%, and scale back 1981 tax cuts. (Rejected, 152-268)—No.

May 24: Adopt First Budget Resolution for FY '83 substitute to increase non-defense spending levels substantially over present levels, hold defense spending at FY '82 levels, and increased taxes. (Rejected, 86-322)—No.

May 25: Adopt First Budget Resolution for fiscal year 1983 substitute to balance the budget in fiscal 1983-85 by reducing non-defense spending while maintaining the three-year tax cut from 1981. (Rejected, 182-242)—Yes.

May 25: Amend proposed First Budget Resolution for fiscal year 1983 substitute to state Congress should close tax loopholes to raise revenues over three years. (Rejected, 68-342)—No.

May 25: Amend proposed First Budget Resolution for fiscal year 1983 substitute to set total tax expenditures level at $273.1 billion. (Rejected, 164-246)—No.

May 25: Amend proposed First Budget Resolution for fiscal year 1983 substitute to increase fiscal 1983 revenues by $7.5 billion and redistribute those funds to entitlement and domestic discretionary programs. (Rejected, 175-237)—No.

May 25: Amend proposed First Budget Resolution for fiscal year 1983 substitute to reduce revenue levels by $10.8 billion. (Rejected, 178-237)—Yes.

May 26: Disapprove Federal Trade Commission rule to require used-car dealers to undertake formal procedures for informing customers of defects in used autos. (Approved, 286-133)—Yes.

May 26: Amend proposed First Budget Resolution for fiscal year 1983 substitute to increase budget authority by $10.5 billion, spending by $7.6 billion, and reduce discretionary programs and entitlements by the same amount. (Rejected, 83-339)—No.

May 26: Amend proposed First Budget Resolution for fiscal year 1983 substitute to cut defense budget authority by $16 billion, defense spending by $4 billion each in fiscal year 1983-85, and reduce revenues by $4 billion in each of those years. (Rejected, 125-295)—No.

May 26: Amend proposed First Budget Resolution for fiscal year 1983 substitute to reduce budget authority by $20.4 billion, outlays by $8 billion, reflecting a freeze on nuclear weapons testing, production and deployment. (Rejected, 28-383)—No.

May 26: Amend proposed First Budget Resolution for fiscal year 1983 substitute to reduce defense outlays by $7.5 billion and increase revenues by $15 billion by enacting luxury and exercise taxes. (Rejected, 128-285)—No.

May 26: Amend two proposed First Budget Resolution for fiscal year 1983 substitutes to increase budget authority by $1.85 billion in fiscal year 1983-85 and outlays by $450 million in fiscal year 1984-85 for the Export-Import Bank direct-loan program. (Rejected, 186-232)—No.

May 26: Amend proposed First Budget Resolution for FY '83 substitute to increase budget authority by $1.7 billion, outlays by $837 million for education programs in FY '83, and make corresponding reductions in the allowances function. (Approved, 343-72)—Yes.

May 27: Amend proposed First Budget Resolution for FY '83 substitute to pay for increased Medicare spending by reducing defense spending. (Approved, 228-196)—No.

May 27: Amend proposed First Budget Resolution for FY '83 substitute to increase budget authority and outlays to keep Medicare funding at current levels and make corresponding reductions in defense programs. (Approved, 328-94)—Yes.

May 27: Amend two proposed First Budget Resolution for FY '83 substitutes to increase budget authority and outlays by $1.15 billion to allow a 7% pay raise for federal employees instead of 4%. (Rejected, 143-281)—Yes.

May 27: Amend three proposed First Budget Resolution for FY '83 substitutes to increase budget authority and outlays to accommodate a 5% pay raise for federal employees instead of 4%. (Approved, 259-159)—Yes.

May 27: Amend two proposed First Budget Resolution for FY '83 substitutes to increase budget authority and outlays to accommodate removal of 4% ceiling on cost-of-living adjustments for federal civilian and military retirees. (Approved, 327-94)—Yes.

May 27: Amend three proposed First Budget Resolution for FY '83 substitutes to increase budget authority and outlays to accommodate funding at authorized levels for law enforcement. (Rejected, 152-264)—Yes.

May 27: Amend three proposed First Budget Resolution for FY '83 substitutes to increase budget authority and outlays to accommodate funding at recommended levels for drug law enforcement agencies. (Rejected, 182-237)—Yes.

May 27: Adopt First Budget Resolution for FY '83 setting budget targets of $805.8 billion in budget authority; $769.4 billion, outlays; $665.9 billion, revenues; $103.5 billion, deficit. (Rejected, 192-235)—Yes.

May 27: Adopt First Budget Resolution for FY '83 setting budget targets of $825.5 billion in budget authority; $772.9 billion, outlays; $675.7 billion, revenues; $97.2 billion, deficit. (Rejected, 137-289)—No.

May 27: Adopt First Budget Resolution for FY '83 setting budget targets of $828.9 billion in budget authority; $781.7 billion, outlays; $676.7 billion, revenues; $105 billion, deficit. (Rejected, 171-253)—No.

May 27: Adopt First Budget Resolution for FY '83 setting budget targets of $828 billion in budget authority; $780.55 billion, outlays; $676.7 billion, revenues; $103.85 billion, deficit. (Rejected, 159-265)—No.

June 3: Make it a felony to publicly expose identities of U.S. covert intelligence officers, agents, informants, and sources. (Approved, 315-32)—Yes.

June 9: Establish an American Conservation Corps to employ youths for conservation, rehabilitation and improvement projects on federal, state or Indian lands. (Approved, 291-102)—Yes.

June 9: Instruct House conferees to accept Senate changes in an appropriations bill to keep an existing law requiring a balanced budget and repealing, in effect, a tax credit enacted in December 1981 for members of Congress. (Approved, 378-7)—Yes.

June 10: Substitute for another FY '83 First Budget Resolution setting budget targets of $836.2 billion in budget authority; $784.15 billion, outlays; $676.7 billion, revenues; $107.45 billion, deficit. (Rejected, 202-225)—No.

June 10: Pass FY '83 First Budget Resolution setting budget targets of $800.38 billion in budget authority; $765.17 billion, outlays; $665.9 billion, revenues; $99.27 billion, deficit; and to set preliminary budget goals for FY '84-85, revise budget levels for FY '82, and include reconciliation instructions to committees to recommend savings to meet budget targets. (Approved, 219-206)—yes.

June 15: Extend until 1986 a copyright law providing copyright protection for books and periodicals written in English only if they are printed in the U.S. (Approved, 339-47)—Yes.

June 15: Permit VA nurses who work two 12-hour regular shifts over a weekend to be considered as having worked a full workweek; extend until Sept. 30, 1983, the authority for the VA to contract out medical services and care for veterans in Puerto Rico and Virgin Islands; extend through Sept. 30, 1985, a grant program to states for construction and alteration of state veterans' homes. (Approved unanimously, 390-0)—Yes.

June 15: Double (to $7 million) FY '83 state and local reimbursements for protecting foreign diplomatic missions and authorize reimbursements for protecting motorcades and visits. (Approved, 218-177)—Yes.

June 16: Agree to Senate change rescinding FY '82 budget authority of $4.098 billion for assisted housing and $1.6 billion for rent supplement program. (Approved, 312-96)—Yes.

June 16: Agree to Senate change rescinding FY '82 contract authority of $3.3 million for the rent supplement program. (Approved, 299-104)—Yes.

June 16: Agree to Senate change effectively eliminating December 1981 tax credit for members of Congress, with amendment limiting annual outside income to 30% of congressional salary. (Approved, 381-29)—Yes.

June 16: Remove $25,000 cap on overtime pay for U.S. Customs Service employees. (Approved, 220-178)—Yes.

June 22: Accept FY '82 First Budget Resolution agreed to by Senate-House conferees setting budget targets of $822.39 billion, budget authority; $769.8 billion, outlays; $665.9 billion, revenues; $103.9 billion deficit. (Approved, 210-208)—Yes.

June 22: Reauthorize refugee assistance programs established in 1980 for one year and set new conditions on refugee eligibility for public assistance. (Approved, 357-58)—Yes.

June 22: Amend Small Business Innovation Development Act to require certain federal agencies to reserve a portion of their R&D budgets for small firms while allowing Congress to decide the actual amount spent on small businesses through authorizations and appropriations process. (Rejected, 118-290)—Yes.

June 22: Exempt National Institutes of Health from set-aside provisions in Small Business Innovation Development Act. (Rejected, 169-228)—No.

June 23: Pass Small Business Innovation Development Act to strengthen the role of small, innovative firms in federally funded research and development. (Approved, 353-57)—Yes.

June 23: Authorize $50 million in emergency aid for Lebanon resulting from June 6 invasion by Israel. (Approved, 334-70)—Yes.

June 23: Require filling Strategic Petroleum Reserve at minimum rate of 200,000 barrels of petroleum per day until 500 million barrel level is reached; extend until June 30, 1985, immunity from antitrust laws for oil companies sharing information with the International Energy Agency; require president to report on various aspects of administration's plans for dealing with energy emergencies. (Approved, 396-3)—Yes.

June 24: Agree to new urgent supplemental appropriations bill with $3 billion less than bill president vetoed (Approved, 267-106)—Yes.

July 13: Authorize investigation of allegations of improper sexual conduct or illegal drug use by members, House officers or employees, particularly House pages. (Approved, 407-1)—Yes.

July 13: Condition further aid to El Salvador on certification that El Salvador is making "good faith effort" to investigate and bring to justice those responsible for murder of six U.S. citizens in 1980 and 1981. (Approved, 399-1)—Yes.

July 15: Authorize $2.55 billion in FY '83 and $2.759 billion in FY '84 for Coast Guard activities. (Approved, 348-25)—Yes.

July 20: Express Congress' opinion that current employment levels in community service employment for older Americans program should be maintained. (Approved, 407-4)—Yes.

July 20: Make it a federal crime to unlawfully obtain nuclear materials and use them to terrorize or harm individuals. (Approved, 396-9)—Yes.

July 20: Authorize $10 million in FY '83 for the U.S. Travel and Tourism Administration. (Rejected, 241-167)—Yes.

July 20: Delete $699 million for one Trident missile-firing submarine from FY '83 defense authorizations. (Approved, 344-65)—Yes.

July 20: Delete $2.07 billion authorizations for various Army, Navy, and Air Force procurement programs. (Approved, 406,6)—Yes.

July 20: Delete $398.5 million defense authorizations for various operations and maintenance programs. (Approved, 386-19)—Yes.

July 20: Reduce defense authorizations and prohibit procurement of MX, Pershing II or cruise missiles, B-1 bombers and nuclear-powered aircraft carriers. (Rejected, 55-348)—No.

July 21: Accept compromise amendment authorizing $1.1 billion for the MX missile and withholding $259.9 million of that amount for MX basing and deployment until 30 days after a basing mode had been selected. (Approved, 212-209)—Yes.

July 21: Agree to substitute amendment prohibiting purchase of new strategic airlift aircraft for the Air Force except the KC-10 aircraft (instead of purchasing more C-5 aircraft). (Rejected, 74-344)—No.

July 21: Delete defense authorization for procurement of Pershing II ballistic missiles. (Rejected, 74-311)—No.

July 22: Agree to substitute amendment to ban the production of binary chemical munitions unless one exists chemical weapons was destroyed for each new one built. (Rejected, 192-225)—Yes.

July 22: Delete authorization for the B-1 bomber. (Rejected, 142-257)—No.

July 22: Delete authorized funds for two nuclear-powered aircraft carriers. (Rejected, 83-303)—No.

July 22: Delete authorized funds for nuclear weapons. (Rejected, 21-355)—No.

July 27: Award 7.4% cost-of-living increase for veterans and survivors service-connected disability compensation, and achieve budget savings in veterans programs in FY '83, '84 and '85. (Approved, unanimously, 400-0)—Yes.

July 28: Extend for one year a test policy allowing Defense Department to pay a premium price in order to purchase certain goods from firms in high-unemployment areas, except weapons and petroleum. (Approved, 237-170—Yes.

July 28: Prohibit federal education assistance to any young man who did not comply with the law requiring registration with the Selective Service System. (Approved, 303-95)—Yes.

July 28: Agree to a conference with the Senate on a budget reconciliation tax increase/spending cuts bill without House consideration of the measure. (Approved, 208-197)—No.

July 29: Reduce defense authorizations for civil defense program by $108 million. (Rejected, 163-240)—No.

July 29: Delete authorization for development of the Trident II submarine-launched ballistic missile and money to modify Trident submarines to carry the Trident II missile, add money for development of the Axe non-nuclear missile. (Rejected, 89-312)—No.

July 29: Pass final version of bill authorizing $177.1 billion for FY '83 defense procurement, operations and management, and research and development. (Approved, 290-73)—Yes.

Aug. 3: Agree to close conference committee meetings on national security matters to

the public. (Approved unanimously, 372-0)—Yes.

Aug. 4: Add about 28,500 acres to the Sipsey Wilderness in the Bankhead, Alabama, National Forest and designate new Cheaha Wilderness in the Talladega National Forest. (Approved, 349-59)—Yes.

Aug. 4: Increase the authority of state governments and locally based private industry councils in planning job-training programs. (Rejected, 185-219)—Yes.

Aug. 4: Agree to send job training bill back to committee for addition of amendment increasing state governments and locally based industry councils' authority in planning job-training programs. (Rejected, 189-218)—Yes.

Aug. 4: Pass bill providing permanent, open-ended authorization for a new program of assistance to local job-skill training programs, and authorize $650 million for the Job Corps in FY '83, open-ended funding in subsequent years. (Approved, 356-52)—Yes.

Aug. 5: Agree to Carney-Broomfield-Stratton language calling for a nuclear weapons freeze by the U.S. and Soviet Union at equal and substantially reduced levels. (Approved 204-202)—Yes.

Aug. 5: Pass resolution calling for a nuclear weapons freeze by the U.S. and Soviet Union at equal and substantially reduced levels. (Approved, 273-125)—Yes.

Aug. 11: Amend Federal Insecticide, Fungicide and Rodenticide Act to preserve states' rights to request pesticide data from manufacturers. (Approved, 250-154)—Yes.

Aug. 11: Pass final version of Federal pesticide law changes and authorize FY '83 and '84 funds for pesticide programs. (Approved, 352-56)—Yes.

Aug. 11: Authorize $7.5 billion for military construction programs in FY '83. (Approved, 332-57)—Yes.

Aug. 12: Permanently withdraw designated federal wilderness areas from oil, gas and some mineral leasing and provide temporary withdrawal of lands that are candidates for future designation as wilderness. (Approved, 340-58)—Yes.

Aug. 12: Exempt projects funded with Economic Development Administration grants from wage requirements of the Davis-Bacon Act if contractor bid awarded is 10% less than the next lowest bid. (Rejected, 140-237)—No.

Aug. 17: Allow transportation of passengers between Puerto Rico and U.S. ports on foreign-flag vessels when U.S.-flag ships are unavailable. (Approved unanimously, 387-0)—Yes.

Aug. 17: Pass EPA FY '83 and '84 research and development authorizations, of $277.9 million and $291 million. (Approved, 314-92)—Yes.

Aug. 17: Authorize $542.8 million in FY '83 and $575.3 million in FY '84 for atmospheric, climatic and ocean pollution activities of NOAA. (Approved, 340-65)—Yes.

Aug. 17: Send a bill to reduce federal spending for FY '83-'85 back to a conference committee. (Approved, 266-145)—Yes.

Aug. 17: Create a 110,000 acre national monument in the Washington State area devastated by the 1980 Mount St. Helens volcanic eruption. (Approved, 393-8)—Yes.

Aug. 18: Accept conference report of 1982 Omnibus Budget Reconciliation Act reducing the federal budget for FY '83, '84, '85 by about $13.3 billion. (Approved, 243-176)—Yes.

Aug. 18: Agree to conference report appropriating $14.6 billion in new FY '82 budget authority for military and civilian employee pay raises, commodity credit programs, defense and other programs, and rescinding $400.9 million in previously appropriated funds. (Approved, 348-67)—Yes.

Aug. 18: Accept Senate amendment to FY '82 supplemental appropriations bill appropriating $350 million for President's Caribbean Basin Initiative. (Approved, 281-129)—Yes.

Aug. 18: Require that all proceeds from sales of materials in U.S. national defense stockpile through FY '82 to be used to purchase, for the stockpile, copper mined and smelted in the U.S. after July 31, 1982. (Rejected, 62-339)—No.

Aug. 18: Pass conference bill authorizing $177.9 billion for FY '83 defense programs. (Approved, 251-148)—Yes.

Aug. 19: Pass conference report raising taxes by $98.3 billion in FY '83-85 and reducing spending by $17.5 billion in FY '83-85. (Approved, 226-207)—No.

Aug. 19: Pass final version of FY '83 Military Constructions Appropriations bill with $7 billion for military construction and family housing projects. (Approved, 325-31)—Yes.

Sept. 8: Change proposed substitute to Resource Conservation and Recovery Act Reauthorization to strike provisions applying law's regulations to small-quantity generators of hazardous wastes and require EPA to study advisability of applying regulations to such operators. (Rejected, 148-183)—Yes.

Sept. 8: Strike language in Resource Conservation and Recovery Act Reauthorization preserving the right of private individuals to sue under federal common law. (Rejected, 85-255)—No.

Sept. 8: Pass bill to expand and tighten Resource Conservation and Recovery Act's regulation of hazardous wastes and authorize $105.5 million FY '83 appropriations and $111.5 million FY '84 appropriations. (Approved, 317-32)—Yes.

Sept. 9: Authorize FY '83-85 lending limits for Farmers Home Administration programs, revise certain loan programs, and extend economic emergency loan program through FY '83. (Approved, 372-39)—No.

Sept. 9: Increase construction authorization for Library of Congress James Madison Memorial Building by $8.2 million. (Approve, 188-186)—No.

Sept. 15: Allow monies from National Recreational Boating Safety and Facilities Improvement Funds to be appropriated without affecting the Transportation Department's budget authority. (Rejected, 250-137)—Yes.

Sept. 15: Require the Coast Guard to develop marine safety regulations specially designed for sailing school vessels operated by non-profit educational institutions. (Rejected, 236-154)—Yes.

Sept. 15: Make technical corrections in amendments made by 1981 reconciliation bill affecting certain health laws, authorize appropriations for training nurse anesthetists in FY '83-84, and transfer National Institute for Occupational Safety and Health to the N.I.H. from the Center for Disease Control. (Rejected, 227-165)—Yes.

Sept. 15: Appropriate $47 billion in FY '83 for the Department of Housing and Urban Development and 17 independent agencies. (Approved, 343-38)—Yes.

Sept. 16: Agree to rule for considering creation of a new fund to share federal revenues of up to $300 million annually from offshore oil, gas and mineral leasing with states. (Approved, 342-8)—Yes.

Sept. 21: Reduce every appropriations in the transportation funding bill by 33.8%. (Rejected, 38-349)—No.

Sept. 21: Appropriate $11.2 billion in new FY '83 budget authority for the Transportation Department and related agencies, a total nearly $1 billion over budget request. (Approved, 268-119)—No.

Sept. 21: Appropriate $23.1 billion in new FY '83 budget authority for the Agriculture Department and related agencies. (Approved, 264-105)—Yes.

Sept. 22: Allow shareholders of the Consolidated Foods Corp. to exempt from taxation certain dividend income received from a foreign firm partly owned by the company. (Rejected, 113-274)—No.

Sept. 22: Allow computer companies to deduct up to twice their cost of computer equipment manufactured in 1983 and donated to primary and secondary schools. (Approved, 323-62)—No.

Sept. 22: Miscellaneous tariff and trade changes, including the repeal of an embargo on importation of mink and other furs from mainland China. (Approved, 267-125)—No.

Sept. 22: Authorize an FY '83 pay raise for uniformed members of the armed services and restrict hiring of private contractors to perform Defense Department services. (Rejected, 214-186)—Yes.

Sept. 22: Keep 1982-83 school year rules for distributing Pell Grant awards to college students in 1983-84 school year and for the 1984-85 school year if regulations are not approved by May 15, 1983, and restore student aid grants to certain veterans. (Approved, 381-19)—Yes.

Sept. 22: End railroad strike by Brotherhood of Locomotive Engineers and impose contract settlement recommended by Presidential Emergency Board barring strikes through June 30, 1984. (Approved, 383-17)—Yes.

Sept. 22: Provide temporary funding through Dec. 15, 1982, for government agencies whose regular FY '83 appropriations have not been enacted by Oct. 1 (Approved, 242-161)—Yes.

Sept. 23: Prohibit loans or loan guarantees under the Defense Industrial Base Revitalization Act if the Treasury Department determined they would boost interest rates or harm the thrift industry. (Approved, 173-154)—Yes.

Sept. 24: Repeal the federal health-planning program and authorize $65.6 million FY '83-84 for grants to state health-planning and certificate-of-need programs. (Approved, 302-14)—Yes.

Sept. 28: Limit maritime suits by foreign seamen while engaged in certain activities related to energy resources exploration, development or production in coastal waters adjacent to a foreign nation. (Rejected, 224-182)—Yes.

Sept. 28: Pass Coastal Barrier Resources Act to ban federal aid that would encourage development on specified undeveloped coastal barrier islands or beaches. (Approved, 399-4)—Yes.

Sept. 29: Require a biennial State of the Parks Report and establish a comprehensive planning system to protect national parks from internal and external threats. (Approved, 319-84)—Yes.

Sept. 29: Set aside up to $300 million from federal offshore oil and gas leasing to fund state coastal resource management programs. (Approved, 260-134)—Yes.

Sept. 30: Prohibit use of NIH funds for research or experimentation on live human fetuses unless the research directly benefited the affected fetus. (Approved, 260-140)—Yes.

Sept. 30: Authorize $5 billion in FY '83-85 for National Cancer and Heart-Lung-Blood

Institutes, research on certain other diseases, and create a National Institute of Arthritis and Musculoskeletal Diseases. (Rejected, 130-275)—Yes.

Oct. 1: Pass resolution proposing constitutional amendment requiring Congress to adopt a balanced federal budget every year, except in time of war, unless a three-fifths majority of Congress agreed to deficit spending. (Rejected, 236-187)—Yes.

Oct. 1: Adopt conference report authorizing $6.8 billion in FY '83 for NASA. (Approved, 284-83)—Yes.

Oct. 1: Establish a new program, replacing expired CETA, giving states and local governments grants for providing skill training and other employment-related help to economically disadvantaged youths and adults. (Approved, 339-12)—Yes.

Nov. 29: Requiring a vote by one house of Congress to sustain a state veto of the location of an interim storage facility for spent nuclear fuel within their borders. (Rejected, 181-194)—Yes.

Nov. 29: Amend Nuclear Waste Policy Act to prohibit location of a permanent nuclear waste repository at a site adjacent to an area one mile by one mile with a population of 1,000 or more. (Rejected, 81-296)—No.

Nov. 29: Requiring a vote by one house of Congress to sustain a state veto of the location of a permanent nuclear waste repository within their borders under the Nuclear Waste Policy Act. (Approved, 190-184)—Yes.

Nov. 30: Eliminate from the Nuclear Waste Policy Act provisions authorizing creation of federal interim storage for spent fuel from nuclear utilities. (Rejected, 84-308)—No.

Nov. 30: Appropriate $10.7 billion for the Treasury Department, Postal Service, executive offices and several independent agencies in FY '83. (Approved, 269-98)—Yes.

Dec. 1: Appropriate $85.4 billion for the Departments of Labor, Health and Human Services, and Education and related agencies for FY '83, $5 billion more than requested. (Approved, 330-70)—No.

Dec. 1: Provide that anti-competitive practices by professonals that are required and supervised by states cannot be challenged under federal antitrust law. (Rejected, 195-208)—No.

Dec. 1: Exempt professionals from FTC jurisdiction until Congress specifically grants that authority. (Approved, 245-155)—Yes.

Dec. 1: Reduce FTC authorizations from $66 million to $60.8 million in fiscal year 1983; $70.7 million to $55.1 in fiscal year 1984; $75.7 million to $54.6 million in fiscal year 1985. (Approved, 241-158)—Yes.

Dec. 2: Amend Nuclear Waste Policy Act to include storage of military nuclear waste under its terms. (Rejected, 105-281)—No.

Dec. 3: Appropriate $7.4 billion in fiscal year 1983 for Interior Department, Forest Service, certain Energy Department programs, and related agencies, $900 million more than requested. (Approved, 275-73)—No.

Dec. 6: Change Transportation Assistance Act to ensure funds for highway and mass transit projects substituted for Interstate Highway segments are subject to appropriations process. (Rejected, 96-305)—No.

Dec. 6: Delete Transportation Assistance Act provisions mandating certain discretionary funds be available to complete high-cost Interstate segments. (Rejected, 21-329)—No.

Dec. 6: Add 5¢ a gallon fuel tax to Transportation Assistance Act, increase heavy-truck levies and make other changes in highway taxes. (Approved, 326-169)—Yes.

Dec. 6: authorize $71.3 billion for FY '83-86 highway and transit propgrams, and increase gasoline and other highway taxes. (Approved, 262-143)—Yes.

Dec. 7: Delete funding for procurement of five MX missiles in FY '83 Defense appropriations. (Approved, 245-176)—No.

Dec. 7: Bar use of funds by CIA or Defense Department to extend military assistance to any non-governmental groups for the purpose of overthrowing Nicaraguan government or provoking armed conflict between Nicargua and Honduras. (Approved, unanimously, 411-0)—Yes.

Dec. 8: Appropriate $230.3 billion for Defense Department in FY '83, $19.3 billion less than requested. (Approved, 346-68)—Yes.

Dec. 14: Lift ceilings on pay for more than 33,000 senior-level federal civilian and military employees and agree to 15% increase in congressional salaries instead of 27% increase scheduled by law. (Approved, 303-109)—Yes.●

COMPUTER CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON. Mr. Speaker, I rise today to address the growing problem of computer-assisted crime and to draw the House's attention to an article which appeared in the Washington Post on December 11, 1982. The article relates the story of a man's unauthorized attempt to gain access to sensitive information stored in the computer files of the Federal Reserve Board. The seriousness of this attempt suggests the need for Federal legislation which will protect the integrity of Federal computer systems. I have introduced a bill, H.R. 3970—the Federal Computer Systems Protection Act—which will amend the United States Code to make it a specific Federal offense to fradulently or illegally tamper with computers of the Federal Government, the computers of financial institutions guaranteed by the Federal Government, and the computers of businesses engaged in interstate commerce. The bill is currently under consideration by the Subcommittee on Civil and Constitutional Rights and I intend to reintroduce it in the 98th Congress. I would like to enclose the article at this point in the RECORD.

ATTEMPTED SNOOPING IN FED'S FILES PROBED

A federal grand jury is investigating an unauthorized attempt to gain access to the Federal Reserve Board's computer files of sensitive financial information, sources reported yesterday.

Sources said the investigation involves Theode C. Langevin of Laurel, a former Federal Reserve Board aide who left the board recently to join E. F. Hutton & Co., a Wall Street securities firm.

Thomas Rae, general counsel of E. F. Hutton, said Langevin was "hired to be a 'Fed watcher' and economist, but "came and was gone before he actually performed those duties."

A 'Fed watcher' on Wall Street follows Federal Reserve actions closely to advise on the board's credit policies, which have powerful impacts on interest rates and securities prices.

Rae said Langevin was asked to leave E. F. Hutton, but said he couldn't discuss the reasons and would not comment on the reported investigation. Langevin, reached at home, said he left voluntarily. Langevin said he has hired an attorney but would not discuss reports that he is the subject of an investigation.

Sources said that, within the past month, someone attempted to gain access by telephone to the Fed's computer data files that record sensitive information on the changes in the nation's money supply—a key factor determining Fed actions.

Authorized Fed employes are able to tie into the computer by using a numerical code that is transmitted by telephone. When employes leave the Fed, their code numbers are cancelled, sources indicated.

The unauthorized attempt, involving a concelled code, was blocked by the computer, and the telephone call was traced to a New York City address, sources said.

A Federal Reserve spokesman said there is an investigation underway, but would not give details and referred questions to the U.S. Attorney's Office.●

JOHN GREENLEAF WHITTIER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MAVROULES) is recognized for 5 minutes.

● Mr. MAVROULES. Mr. Speaker, today we commemorate John Greenleaf Whittier, poet, freedom lover, and a proud American, born 175 years ago today in Havenhill, Mass., a city which it has been my great pleasure to represent for two terms.

There is not a soul in this Chamber, I am sure, that has escaped school without getting a fair dose of Mr. Whittier's poetry. I am also sure that we all left his verse withthe same sense of pride and wonder in the America he portrayed, an America still in its infancy, struggling hard to meet its destiny.

For him, that destiny was to be the "bearer of freedom's holy light," a true democracy.

In commemoration of John Greenleaf Whittier, and in honor of this great democracy, I am placing in the RECORD today a poem that truly expresses Mr. Whittier's great love for ths land of ours. It is called Democracy, and appropriately, it was written on election day, 1841:

DEMOCRACY

All things whatsoever ye would that men should do to you, do ye even so to them.—MATTHEW vii. 12.

Bearer of Freedom's holy light,
Breaker of Slavery's chain and rod,
The foe of all which pains the sight,
Or wounds the generous ear of God!

Beautiful yet thy temples rise,
Though there profaning gifts are thrown;
And fires unkindled of the skies
Are glaring round thy altar-stone.

Still sacred, though thy name be breathed
By those whose hearts thy truth deride;

And garlands, plucked from thee, are wreathed
Around the haughty brows of Pride.
Oh, ideal of my boyhood's time!
The faith in which my father stood,
Even when the sons of Lust and Crime
Had stained thy peaceful courts with blood!
Still to those courts my footsteps turn,
For through the mists which darken there,
I see the flame of Freedom burn,—
The Kebla of the patriot's prayer!
The generous feeling, pure and warm,
Which owns the right of all divine;
The pitying heart, the helping arm,
The prompt self-sacrifice, are thine.
Beneath thy broad, impartial eye,
How fade the lines of caste and birth!
How equal in their suffering lie
The groaning multitudes of earth!
Still to a stricken brother true,
Whatever clime hath nurtured him;
As stooped to heal the wounded Jew
The worshipper of Gerizim.
By misery unrepelled, unawed
By pomp or power, thou seest a Man
In prince or peasant, slave or lord,
Pale priest, or swarthly artisan.
Through all disguise, form, place, or name,
Beneath the flaunting robes of sin,
Through poverty and squalid shame,
Thou lookest on the man within.
On man, as man, retaining yet,
Howe'er debased, and soiled, and dim,
The crown upon his forehead set,
The immortal gift of God to him.
And there is reverence in thy look;
For that frail form which mortals wear
The Spirit of the Holiest took,
And veiled His perfect brightness there.
Not from the shallow babbling fount
Of vain philosophy thou art;
He who of old on Syria's Mount
Thrilled, warmed, by turns, the listener's heart.
In holy words which cannot die,
In thoughts which angels leaned to know,
Proclaimed thy message from on high,
Thy mission to a world of woe.
That voice's echo hath not died!
From the blue lake of Galilee,
And Tabor's lonely mountain-side,
It calls a struggling world to thee.
Thy name and watchword o'er this land
I hear in every breeze that stirs,
And round a thousand altars stand
Thy banded party worshippers.
Not to these altars of a day,
At party's call, my gift I bring;
But on thy olden shrine I lay
A freeman's dearest offering:
The voiceless utterance of his will,—
His pledge to Freedom and to Truth,
That manhood's heart remembers still
The homage of his generous youth.

Election Day, 1841.●

INTRODUCTION OF INCOME MAINTENANCE FRAUD AND OVERPAYMENT CONTROL ACT

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 I am introducing a bill to prevent fraud and overpayment in various welfare programs by requiring State unemployment agencies to collect individual wage information on a quarterly basis.

Presently only 38 States require individual wage data be reported quarterly to State employment agencies, even though it is generaly acknowledged that this data is the best wage information for verification purposes in administering Federal and State needs-based programs.

Unreported and underreported wages are one of the principal causes of overpayments in needs-based programs. Although the exact amount of overpayments caused by recipients not properly reporting income is unknown, the General Accounting Office estimates that in fiscal years 1978 and 1979, five of six major welfare programs had annual overpayments of $867 million. Without corrective action, Federal expenditures, because of overpayments in these five programs, will probably exceed $1 billion in fiscal year 1983. In addition, an unknown amount of other program benefits are improperly provided to cash grant recipients who would not be eligible for such benefits if their incomes were properly disclosed.

Clearly this situation needs to be remedied. Given the current shortage of funds for public assistance programs, we must insure that funds go only to those in need, with the least amount of error or payment to those who may have other sources of income.

In addition, my bill will make available to child support enforcement agencies the wage information of delinquent parents. Even though this will not solve the problem of enforcing child support orders, it will at least provide child support enforcement agencies with another source of information to enable them to more effectively track down parents who fail to make their child support payments and who have improperly thrown their families onto the public dole.

Although the end of the 97th Congress is near, I have introduced my proposal in order that Members may have an opportunity to examine and comment on this bill during the coming weeks, so that we can address this issue early in the 98th Congress.

The hardworking people of this country deserve to see an end to fraud and abuse in our welfare system. This bill, by requiring all States to collect wage data that can be used for verifying welfare eligibility, will go a long way toward ending welfare overpayments.●

REPRESENTATION OF TAXPAYERS BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PANETTA) is recognized for 5 minutes.

● Mr. PANETTA. Mr. Speaker, I am today introducing legislation which would correct a significant but easily remedied problem relating to representation of taxpayers in cases before the U.S. Tax Court. My bill would eliminate needless restrictions against representation of taxpayers by certified public accountants and enrolled tax agents in cases where a relatively small amount of money is at issue.

There are two sections of the Internal Revenue Code relevant to this question—sections 7452, relating to representation of parties before the Tax Court, and 7463, relating to disputes involving $5,000 or less.

The first prevents the denial of admission to practice before the court to any individual on account of his "failure to be a member of any profession or calling." However, it does not prevent the court from establishing rules making it more difficult for members of a particular profession to qualify.

The second, section 7463, establishes a less formal procedure for the handling of cases involving sums of $5,000 or less. In most cases, formal procedures "in accordance with the rules of evidence applicable in trials without a jury in the U.S. District Court of the District of Columbia" are required. But section 7563 gives the court flexibility in small cases to conduct proceedings in a manner that protects the taxpayer's rights but also allows a more rapid, nonappealable settlement of the case. In these cases, the standard rules of evidence are not enforced. Operating under this procedure is the taxpayer's option; it is not mandatory, and he may choose instead the more formal procedure required in other cases.

Under the current rules established by the court, no distinction qualifying for representation in other cases. Attorneys qualify for practice before the Tax Court by filing an application that is accompanied by a certificate from the Clerk of the U.S. Supreme Court or from the high court of any State or territory or the District of Columbia showing that he or she is a member in good standing of the bar of that court. Any individual who is not an attorney and wishes to practice before the Tax Court must file an application, be sponsored by at least three persons already admitted to practice before the court, and, most importantly, pass a written examination given by the court. The court may, at its discretion, accept a nonattorney for practice with fewer than three recommendations, but the examination is never waived.

There are many good reasons to maintain this qualifying distinction for major cases before the Tax Court. Those cases are decided under basic rules of evidence with which those who are not attorneys cannot be ex-

pected to be sufficiently familiar without some additional training. An examination to determine whether sufficient knowledge has been acquired is reasonable.

However, for cases involving $5,000 or less, the whole point of section 7463 is to provide a less formal setting to insure a fair and rapid resolution. An individual representing a taxpayer in such cases does not need to know a great deal about the rules of evidence since they are not in effect.

Of course, it is important that those representing taxpayers before the Tax Court know tax law. However, there is at least as much reason to assume that an accountant or an individual enrolled to practice before the Internal Revenue Service knows tax law as there is to assume that an attorney who may or may not have kept up with or even have any experience in tax law.

Most taxpayers who obtain outside assistance in the preparation of their returns employ certified public accountants or enrolled agents authorized to practice before the IRS. But if they get involved in a dispute with the IRS, they must hire an attorney if they wish to take their case before the Tax Court or find one of the relatively few accountants or enrolled agents who have qualified to practice before the court. Otherwise, they must take the risk of representing themselves. In small cases it is very costly for the taxpayer to hire an attorney who is completely unfamiliar with the case. The taxpayer must pay for the time it takes the attorney to familiarize himself with the case as well as for the normal time it would take to prepare the case and argue it. He cannot make use of the certified public accountant or enrolled agent who knows how the return was prepared and has the knowledge of the tax rules required in the first place to do his job and to defend the return's preparation before the court.

Enabling the taxpayer to make use of the individual who helped prepare his return would greatly expedite many cases before the Tax Court, and the fact is that time is an increasing problem for the court. The 1981 annual report of the Commissioner of Internal Revenue and the Chief Counsel for the Internal Revenue Service indicates that the number of cases before the Tax Court has been increasing at an extremely rapid pace. Indeed, there was a 42.8-percent increase from 1980 to 1981 alone, as the number of cases shot from 20,660 to 29,512. At the end of fiscal year 1981, more than 46,000 cases were pending before the court, and the backup has since increased. As the Chief Counsel of the IRS states in that report, "we have to develop procedures for more efficient handling of cases."

The fact is that cases adjudicated under section 7463 make up more than one-third of the Tax Court's caseload. Speeding these cases would help to bring about the increased efficiency and effectiveness of court procedures which the Chief Counsel states are seriously needed.

Mr. Speaker, I am introducing this legislation at a fairly late date for its consideration during the 97th Congress. However, I intend to reintroduce it early in the next Congress and hope to gain its rapid approval. This is a bill that would enhance the rights of taxpayers and improve the efficiency of our tax litigation procedures, and I hope it will have the support of my colleagues.

At this point in the RECORD, I would like to insert the text of the bill I am introducing today:

H.R. —

To amend the Internal Revenue Code of 1954 to provide that certified public accountants and enrolled agents may represent taxpayers in certain Tax Court cases involving $5,000 or less

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 7463 of the Internal Revenue Code of 1954 (relating to disputes involving $5,000 or less) is amended by adding at the end thereof the following new subsection:

"(g) REPRESENTATION OF TAXPAYER.—In any case in which the proceedings are conducted under this section, any person who is—

"(1) a certified public accountant, or

"(2) an enrolled agent authorized to practice before the Internal Revenue Service,

shall be allowed to represent the taxpayer."

(b) The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.●

CAPT. JOSEPH A. GILDEA, USN TO RETIRE AS SHIPYARD COMMANDER

(Mr. ANDERSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON. Mr. Speaker, the end of this next month, January 1983, will see the retirement from active duty Capt. Joseph A. Gildea, USN. For the past 3½ years, Captain Gildea has been the commander of the Long Beach Naval Shipyard on Terminal Island, in my congressional district. I therefore have had the opportunity to see Captain Gildea with some frequency, and to observe the numerous accomplishments of the Long Beach Naval Shipyard under his direction.

The Long Beach Naval Shipyard has successfully completed 17 scheduled ship overhauls, four postshakedown availabilities of newly built ships, and over 20 emergency availabilities on extremely short notice, for ships of the Pacific fleet for repair of damaged major equipment. But probably the most significant achievement of the shipyard during Captain Gildea's tenure of command was the reactivation and modernization of the battleship *New Jersey.* In the relatively short time of only 19 months, the Long Beach Naval Shipyard completed planning for this complicated reactivation and modernization project, marshalled the supplies and the skills needed to conduct it, and completed the work 2 weeks ahead of schedule and within budget. She will be formally recommissioned on the 28th of this month.

Captain Gildea attended Pennsylvania State College, and in 1949 was appointed to the U.S. Naval Academy. His first Navy duty was on board the U.S.S. *Rush* (DDR-714). In 1958 Joe Gildea graduated from the Massachusetts Institute of Technology with a degree of master of science in marine engineering, and the professional designation of naval engineer. With this additional training, he was designated as an engineering duty officer with assignments to the Pearl Harbor Naval Shipyard, the Portsmouth Naval Shipyard, the Puget Sound Naval Shipyard, and as supervisor of shipbuilding at Camden, N.J. But, all of Joe's assignments were not in the shipyard business. He served a tour of duty in the U.S.S. *Hancock* (CVA-19); as chief engineer in the U.S.S. *John F. Kennedy* (CVA-67); on the staff of the Commander Naval Air Force, U.S. Atlantic Fleet; and he served in Vietnam, where he had been in charge of helping the Vietnamese Naval Shipyard with the modernization of their facilities. He was one of the last contingent of Americans to be evacuated from South Vietnam by Marine Corps helicopters on April 29, 1975. After Vietnam, he came to the Long Beach Naval Shipyard for the first time, where he served as planning officer until 1978 when he was assigned to the Naval Sea Systems Command.

His dedication, efficiency, and enthusiastic performance of duty has earned Captain Gildea two awards of the Naval Meritorious Service Medal; the Joint Service Commendation Medal; and two awards of the Navy Commendation Medal, along with numerous service medals. During his command of the Long Beach Naval Shipyard, his aggressive guidance and support of the continued need for maintaining and enhancing the industrial capacity of the shipyard will continue to be manifested in future years, as a result of his efforts to upgrade equipment, improve the quality of industrial worklife, and provide for replacement of aging facilities. He has played a key role in the future of the Long Beach Naval Shipyard, and has been continually involved with the surrounding communities to insure recognition of his shipyard and the

personnel who work there. His community involvement includes membership in the Rotary Club of Long Beach; board of trustees, St. Mary Medical Center; board of directors, Long Beach Area Chamber of Commerce; board of advisers to the School of Business, California State University at Long Beach; policy committee member for the Federal Executive Board for the Los Angeles area; and board of directors, Red Cross Long Beach Chapter. He is a past chairman of the Long Beach-Los Angeles Chapter of the American Society of Naval Engineers.

My wife Lee joins me in congratulating Capt. Joe Gildea in the completion of a most successful and rewarding career in the U.S. Navy. We wish him, his wife Sheila, their sons Andrew and Daniel, and their daughters Maureen and Deirdre all the best in the years that lie ahead for them. We are certain that he will continue to make highly beneficial contributions to both his country and his immediate community.

THE BATTLESHIP "NEW JERSEY," PROOF THAT FEDERAL WORKERS DO PRODUCE

(Mr. ANDERSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANDERSON. Mr. Speaker, for the past several years, it has been popular among many to criticize Federal workers, claiming that they are lazy, inefficient and do not produce what they are paid to. I have always strongly opposed this viewpoint, and I would like to cite one case where we have solid proof that the Federal worker not only can produce, but is producing. I refer to the Long Beach Naval Shipyard, with some 7,000 Federal employees on its rolls. When the decision was made to reactivate and modernize four World War II battleships to enhance our Navy's warfighting capabilities, the first of these ships, the U.S.S. *New Jersey,* was sent to the Long Beach Naval Shipyard on Terminal Island. This shipyard is one of eight naval shipyards performing top quality ship overhaul, maintenance, repair and modernization for U.S. Navy ships.

The Long Beach Naval Shipyard did not receive the task of reactivation and modernization of the battleship *New Jersey* until June of 1981. The ship was towed to Long Beach from Bremerton, Wash., arriving there on August 6, 1981. Thus, there was little time available for the shipyard to complete the advance planning required to undertake a job of this magnitude. The actual reactivation work was started on the first of October. This project has now been completed, 2 weeks ahead of schedule and within budget, and the ship will be commissioned on December 28. Prior to that time, the performance of the *New Jersey* and the work done at the Long Beach Naval Shipyard has been thoroughly tested in a series of sea trials, including the firing of her 16-inch guns. And these sea trials have resulted in words of praise from those observing them and from the Navy's Board of Inspection and Survey.

Mr. Speaker, in these days in what seem to be habitual cost overruns and time slippages in most military procurement programs, I am indeed proud to cite the accomplishments of the Long Beach Naval Shipyard in the reactivation and modernization of the U.S.S. *New Jersey.* It is a tribute to the dedication, skill, and efficiency of the Federal work force at the Long Beach Naval Shipyard, and this performance indeed belies those who are continually critical of the Federal civil servant.

CONFERENCE REPORT ON H.R. 7356

Mr. YATES submitted the following conference report and statement on the bill (H.R. 7356) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 97-978)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7356) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1983, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 19, 22, 24, 29, 41, 44, 51, 52, 72, 73, 75, 77, 78, 83, 101, 103, 106, 108, 118, 127, 128, 129, and 139.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 6, 13, 17, 27, 28, 31, 32, 33, 34, 35, 38, 39, 49, 50, 53, 54, 55, 56, 57, 66, 68, 71, 79, 80, 81, 82, 86, 89, 99, 109, 117, 124, 132, 133, 134, 135, 140, 142, 144, 146, and 150, and agree to the same.

Amendment numbered 1:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$330,226,000*; and the Senate agree to the same.

Amendment numbered 5:

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$56,963,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$238,593,000*; and the Senate agree to the same.

Amendment numbered 11:

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$16,665,000*; and the Senate agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$27,200,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$564,460,000*; and the Senate agree to the same.

Amendment numbered 21:

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$9,887,000*; and the Senate agree to the same.

Amendment numbered 23:

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$156,096,000*; and the Senate agree to the same.

Amendment numbered 26:

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$142,505,000*; and the Senate agree to the same.

Amendment numbered 37:

That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$363,389,000*; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$843,508,000*; and the Senate agree to the same.

Amendment numbered 47:

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$55,278,000*; and the Senate agree to the same.

Amendment numbered 59:

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$73,892,000*; and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate num-

bered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$72,011,000*; and the Senate agree to the same.

Amendment numbered 61:

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$8,028,000*; and the Senate agree to the same.

Amendment numbered 63:

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$95,810,000*; and the Senate agree to the same.

Amendment numbered 64:

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$77,410,000*; and the Senate agree to the same.

Amendment numbered 65:

That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$18,400,000*; and the Senate agree to the same.

Amendment numbered 67:

That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$41,589,000*; and the Senate agree to the same.

Amendment numbered 69:

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to read as follows:

CONSTRUCTION MANAGEMENT

For necessary expenses of the Office of Construction Management, $896,000.; and the Senate agree to the same.

Amendment numbered 70:

That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$18,404,000*; and the Senate agree to the same.

Amendment numbered 85:

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$105,021,000*; and the Senate agree to the same.

Amendment numbered 91:

That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$182,500,000*; and the Senate agree to the same.

Amendment numbered 92:

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$281,431,000*; and the Senate agree to the same.

Amendment numbered 93:

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$26,316,000*; and the Senate agree to the same.

Amendment numbered 94:

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$246,115,000*; and the Senate agree to the same.

Amendment numbered 107:

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$279,290,000*; and the Senate agree to the same.

Amendment numbered 113:

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$56,400,000*; and the Senate agree to the same.

Amendment numbered 119:

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$34,700,000*; and the Senate agree to the same.

Amendment numbered 121:

That the House recede from its disagreement to the amendment of the Senate numbered 121, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$48,465,000*; and the Senate agree to the same.

Amendment numbered 126:

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$144,366,000*; and the Senate agree to the same.

Amendment numbered 130:

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$32,878,000*; and the Senate agree to the same.

Amendment numbered 131:

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$4,900,000*; and the Senate agree to the same.

Amendment numbered 138:

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,500,000*; and the Senate agree to the same.

Amendment numbered 145:

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to change section from *"311"* to *"309"*; and the Senate agree to the same.

Amendment numbered 147:

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert *"310"*; and the Senate agree to the same.

Amendment numbered 148:

That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert *"311"*; and the Senate agree to the same.

Amendment numbered 149:

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment, amended to change section from *"315"* to *"312"*; and the Senate agree to the same.

Amendment numbered 151:

That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert *"313"*; and the Senate agree to the same.

Amendment numbered 152:

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert *"314"*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 7, 9, 10, 15, 18, 20, 25, 30, 36, 40, 42, 43, 46, 48, 58, 62, 74, 76, 84, 87, 88, 90, 95, 96, 97, 98, 100, 102, 104, 105, 110, 111, 112, 114, 115, 116, 120, 122, 123, 125, 136, 137, 141, 143, 153, 154, 155, and 156.

SIDNEY R. YATES,
JOHN P. MURTHA,
NORMAN D. DICKS,
LES AUCOIN,
JAMIE L. WHITTEN,
JOSEPH M. MCDADE,
RALPH REGULA,
TOM LOEFFLER,
SILVIO O. CONTE,
WILLIAM R. RATCHFORD,
Managers on the Part of the House.

JAMES A. MCCLURE,
TED STEVENS,
PAUL LAXALT,
JAKE GARN,
HARRISON SCHMITT,
THAD COCHRAN,
MARK ANDREWS,
WARREN RUDMAN,
ROBERT C. BYRD,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON,
PATRICK J. LEAHY,
DENNIS DECONCINI,
QUENTIN N. BURDICK,
DALE BUMPERS,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7356), making appropriations for the Department of the Interior and Related Agencies for the fiscal year ending September 30, 1983, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

Amendment No. 1: Appropriates $330,226,000 for management of lands and resources instead of $322,963,000 as proposed by the House and $331,716,000 as proposed by the Senate. The net increase over the amount proposed by the House is $2,130,000 for coal leasing, $1,875,000 for oil and gas leasing, $500,000 for forest management (public domain), $1,900,000 for grazing, $1,300,000 for wildlife habitat management, and $240,000 for maintenance and engineering services; and decreases of $500,000 for wild horses and burros, $63,000 for multiple use planning, and $119,000 for data management.

The managers agree that the coal leasing sale scheduled for the third quarter of fiscal year 1983 (Fort Union) shall be slipped to the fourth quarter, and the coal leasing sale scheduled for the fourth quarter of fiscal year 1983 (San Juan River) shall be slipped to the first quarter of fiscal year 1984. The managers further agree that adoption fees for wild horses and burros shall not be decreased to pre-January, 1982 levels. The managers also agree that the Bureau of Land Management shall reduce grazing AUM's if additional deterioration to the public rangelands occurs under its grazing program, but such reductions shall be made only in proportion to the deterioration which occurs. The managers agree that within available wildlife habitat management funds, $1,625,000 shall be provided for threatened and endangered species.

Amendment No. 2: Appropriates $96,320,000 for payments in lieu of taxes as proposed by the Senate instead of $95,520,000 as proposed by the House.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the payment in lieu of taxes appropriation may be used to correct underpayments in the previous fiscal year.

Amendment No. 4: Appropriates $311,000 for land acquisition as proposed by the Senate instead of $468,000 as proposed by the House.

Amendment No. 5: Appropriates $56,963,000 for Oregon and California grant lands instead of $46,883,000 as proposed by the House and $61,533,000 as proposed by the Senate. The increase over the amount provided by the House is $10,080,000 for renewable resource management.

The managers agree that all funds for management of the Oregon and California grant lands, including those under the jurisdiction of the Forest Service, shall be provided from this account, and shall be distributed as follows: $47,579,000 for the Bureau of Land Management and $9,384,000 for the Forest Service. The distribution is consistent with the division of responsibility between the Bureau and the Forest Service, and the managers understand that this will allow adequate management of all Oregon and California grant lands. The managers expect the fiscal year 1984 justification for this activity to fully discuss the allocation of funding and responsibilities between the agencies.

Amendment No. 6: Deletes language proposed by the House which would have prohibited the expenditure of funds to permit establishment of any possessory interest in Federal water rights by any permittee of the Bureau of Land Management.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides for the development of criteria related to phased livestock reductions on Bureau of Land Management rangelands.

Amendment No. 8: Appropriates $238,593,000 for resource management instead of $242,778,000 as proposed by the House and $227,279,000 as proposed by the Senate. The net decrease under the amount proposed by the House consists of the following decreases of $250,000 to expand assessment of agricultural chemicals used in forest, range, and crop management; $250,000 to place additional staff with experience with contaminants at field stations; $857,000 for permit and license processing in land and water resource development planning; $250,000 for the Federal coal program; $2,379,000 for refuge maintenance; $134,000 in refuge research; $250,000 to begin a nongame management program; $2,000,000 in endangered species grants to states; and $100,000 in the California Condor recovery program; and increases of $885,000 in fish hatchery operations; $1,200,000 for the Lower Snake River Compensation Plan; and $200,000 for facility maintenance at wildlife research facilities. The amount recommended includes $250,000 to acquire improvements on Kofa, NWR, Arizona and $150,000 additional for Bogue Chitto NWR equipment and personnel. The managers expect the Department to maintain existing employment levels in the Animal Damage Control program. Funds are included to continue operation of the ADC research facility at Hilo, Hawaii only through fiscal year 1983 with the expectation that no funds will be provided in subsequent fiscal years. The allowance includes termination costs to permit closure of the following fish hatcheries:

Williams Creek, Ariz.	Mescalaro, N. Mex.
Corning, Ark.	Hebron, Ohio
Cohutta, Ga.	Spearfish, S. Dak.
Cedar Bluffs, Kans.	McNenny, S. Dak.
New London, Minn.	Jones Hole, Utah
Ennis, Mont.	Paint Bank, Va.
Miles City, Mont.	Wytheville, Va.
Berlin, N.H.	Lake Mills, Wis.

The managers agree that no funds will be provided to operate the following hatcheries after fiscal year 1983:

Pisgah, N.C.	Neosho, Mo.
Senacaville, Ohio	Crawford, Nebr.
Cheraw, S.C.	

The managers urge the Department to work with other governmental entities to assume operation of hatcheries closed now and proposed for closure in subsequent years.

No additional funds are made available to the Office of Legislation.

Amendment No. 9: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that the only critical habitat that may be designated for the Northern Rocky Mountain Wolf in Idaho shall be coterminous with the boundaries of the Central Idaho Wilderness areas established by Public Law 96-312.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

: Provided further, That notwithstanding any other provision of this paragraph, $2,000,000 is available to carry out the purposes of 16 U.S.C. 1535, to remain available until expended.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. This provides $2,000,000 for Section 6 endangered species grants.

Amendment No. 11: Appropriates $16,665,000 for construction and anadromous fish instead of $23,149,000 as proposed by the House and $11,126,000 as proposed by the Senate. The net decrease under the amount proposed by the House includes an increase of $216,000 for the Genoa NFH, Wisc. and decreases of $2,700,000 for the Madison Wildlife disease laboratory and $4,000,000 for the Gainesville National Fish Research Laboratory.

Amendment No. 12: Appropriates $27,200,000 for land acquisition instead of $33,647,000 as proposed by the House and $19,048,000 as proposed by the Senate. The following table shows the allocation agreed to by the managers:

Acquisition management	$1,000,000
American Crocodile, Fla	2,766,000
Kirtland's Warbler, Mich	500,000
Tensas NWR, La	5,200,000
Lower Rio Grande NWR, Texas	1,000,000
Lower Suwannee NWR, Fla	1,500,000
Plymouth red-bellied turtle, Mass	275,000
West Indian manatee, Fla	500,000
Bogue Chitto NWR, La	1,000,000
Bon Secour NWR, Ala	3,500,000
Bear Valley NWR, Ore	812,000
Bandon Marsh NWR, Ore	270,000
Wertheim NWR, N.Y	1,377,000
Protection Island NWR, Wash	2,000,000
Alaska Maritime NWR, Alaska	5,500,000
Total	27,200,000

The managers urge the Department to work with private organizations to ensure protection of the 355 acre tract at Mason Neck NWR, Va.

Amendment No. 13: Deletes House language which prohibited use of funds to plan for hunting on the Bosque del Apache NWR while Whooping Cranes are on the refuge. The managers urge the Service and the State of New Mexico to continue working together to ensure the maximum protection for the Whooping Crane. The managers understand that there is less danger to the cranes during the refuge hunt when there is no hunting on the lands around the refuge and ask that this possibility be reviewed.

Amendment No. 14: Restores House language stricken by the Senate which provides that the national fish hatchery at Tupelo,

Mississippi shall hereafter be named the "Private John Allen" National Fish Hatchery.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which renames the administrative/visitor facility at Merritt Island NWR for both the Service employees who died in the June 1981 wildfire. The language also provides that the maintenance center at that refuge not be named as provided in Public Law 97-257.

NATIONAL PARK SERVICE

Amendment No. 16: Appropriates $564,460,000 for operation of the National Park System instead of $567,730,000 as proposed by the House and $537,170,000 as proposed by the Senate. The net reduction below the amount proposed by the House consists of decreases of $440,000 for operation of the Martin Luther King, Jr., NHS; $400,000 in Park Police funds; $3,000 for awards to the Park Police helicopter pilot and paramedic involved in the Air Florida rescue; $3,500,000 in maintenance; $432,000 for a nonmaintenance program of small-scale pollution abatement; $500,000 for rehabilitation of the Garfield memorial; and an increase of $2,005,000 to continue direct Service funding for maintenance of the White House grounds and the White House warehouse.

The $200,000 above the budget for operating the Martin Luther King, Jr., NHS provides for opening Dr. King's Birth Home and the Ebenezer Baptist Church six days a week, to operate an information facility and provide area tours, and to enter into cooperative agreements with private owners of historic structures to renovate their property. Within available funds, $160,000 is provided for protection of the Harry S. Truman home at Independence, Mo.; a total of $450,000 for operation of the New River Gorge NR; $150,000 additional for exhibits and interpretative material at Harpers Ferry NHP along with a film on the life of John Brown; $50,000 for the National Council for the Traditional Arts; $85,000 for continued law enforcement assistance to the Town of Harpers Ferry, W. Va.; $40,000 for hazardous tree removal at Delaware Water Gap NRA; $2,500,000 for an assessment of the Kantishna Hills/Dunkle Mine study area; $200,000 for the Chaco Culture computer center; and $250,000 for the sedimentation problem at Cuyahoga Valley NRA.

The small-scale pollution abatement projects should be done in the maintenance program if of sufficient priority. The Service is urged to use available funds to begin repair of damages at Buffalo NR which occurred in the recent floods.

The managers expect the Service to request a supplemental to restore any emergency funds used for this purpose.

The managers agree that any proposals to reduce the visitor transport program shall be accompanied by an analysis which addresses at a minimum what parks would be affected, how they would be affected, and how the needs of the visitor would be met. The managers also direct that the Secretary not enter into any easement agreement regarding the Canal Road vehicle demonstration project until the D.C. Department of Transportation, the Park Service, and other parties complete their public review processes.

Amendment No. 17: Deletes language proposed by the House which would have provided $3,000 for awards for valor to two employees of the National Park Service.

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $85,000 to the Town of Harpers Ferry, West Virginia, for police force use.

Amendment No. 19: Deletes Senate language that provided for a matching grant to the Washington Opera.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $160,000 for operation, including maintenance and protection, of the former home of President Truman at 219 North Delaware Street, Independence, Missouri when jurisdiction of the Park Service is established pursuant to law.

Amendment No. 21: Appropriates $9,887,000 for national recreation and preservation instead of $10,087,000 as proposed by the House and $9,487,000 as proposed by the Senate. The amount included over that recommended by the Senate is to be used for planning and Federal Real Property Management. The $500,000 increase over the budget included by both the House and the Senate for rivers and trails may be used to continue to provide assistance to the states.

Amendment No. 22: Deletes language added by the Senate to earmark $150,000 for a river corridor study in Minnesota.

URBAN PARKS

The managers agree that any closeout costs associated with the Urban Parks program are to be paid from the grant administration activity in the national recreation and preservation appropriation. Use of the unobligated balances should be restricted to those urban areas with existing grants.

Amendment No. 23: Appropriates $156,096,000 for construction instead of $161,846,000 as proposed by the House and $147,017,000 as proposed by the Senate. The net reduction below the House proposal consists of the following increases and decreases:

Glen Canyon NRA (Marine)	−$3,883,000
Chaco Culture NHP (Road)	−2,751,000
Gateway NRA (roads and parking)	−1,265,000
Guadalupe Mountains NP (trails)	−1,664,000
Voyageurs NP (visitor facilities)	−2,690,000
Martin Van Buren NHS (rehabilitation)	−878,000
Blue Ridge Parkway (bridges)	−5,500,000
Cuyahoga Valley NRA	−250,000
Great Smoky Mountains NP (parkway)	+9,400,000
Martin Luther King, Jr	−90,000
Interagency Visitor Center, Alaska	+1,400,000
Jean Lafitte NHP (facilities)	+2,171,000
Kenai Fjords NP (bridge planning)	+250,000
Total	−5,750,000

The managers agree that up to $90,000 for planning authorized by Public Law 96-428 for Martin Luther King, Jr. NHS can be supported from the $640,000 made available in this account and that the funds for Lowell NHP are available for priority Boott Mill facilities, the Historic Trolley, and the Early Residence. The managers also agree that the $9,000,000 provided for the Natchez Trace may be used to begin construction of section 3 V rather than being applied as reflected in the House Report. Favorable bids have permitted work to proceed on those projects within savings. The managers recognize the importance of continuing construction of the last section of the Blue Ridge Parkway. Careful consideration will be given to additional funding at the most appropriate opportunity.

Amendment No. 24: Earmarks not less than $2,444,000 for Perry's Victory and International Peace Memorial as proposed by the House.

Amendment No. 25: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which earmarks $1,400,000 for the Federal share of the construction and development costs for Alaska interagency visitor centers.

Amendment No. 26: Appropriates $142,505,000 instead of $172,643,000 as proposed by the House and $129,400,000 as proposed by the Senate.

The allowance provides funding for the following projects:

Assistance to States:	
Matching grants	$70,619,000
Administrative expenses	4,381,000
Total, Assistance to States	75,000,000
Pinelands National Reserve	5,000,000
National Park Service:	
Acquisition management	7,500,000
Inholdings (emergencies and hardships)	3,000,000
Deficiencies and relocations	1,000,000
Appalachian Trail	10,000,000
Big Cypress NP	500,000
Biscayne NP	4,000,000
Buffalo NR	2,000,000
Cape Lookout NS	2,000,000
Cuyahoga River NRA	6,000,000
Delaware Water Gap NRA	1,000,000
Garfield NHS	205,000
Golden Gate	2,200,000
Great Smoky Mountains	1,500,000
Gulf Island NS	3,700,000
Indiana Dunes	1,400,000
Jean LaFitte NHP	2,500,000
Martin Luther King, Jr. NHS	500,000
Olympic NP	9,700,000
Voyageurs NP	3,800,000
Total, National Park Service	62,505,000
Total, Land Acquisition and State Assistance	142,505,000

The managers recognize the potential value of the land protection plans being developed and encourage the Secretary to pursue every reasonable opportunity to accelerate their development. The managers regret that the lack of land protection plans, coupled with a realignment of approval authority, has impeded the expenditure of funds appropriated by the Congress

for land acquisition project, thereby deflecting congressional intent that acquisitions proceed in a timely fashion.

The managers direct that the appraisal on the McIsaac Ranch property in Golden Gate NRA, California, that has been submitted to the Park Service be reviewed by the Service within 60 days of the date of enactment of this Act and, if approved, the service should proceed with acquisition.

The managers recognize the potential value of adding the McGregor Ranch to the Rocky Mountain NP and will give serious attention to providing funding at the earliest opportunity. In the interim, the managers encourage the Service to consult and cooperate with other entities in seeking creative forms of acquisition on favorable terms.

The managers also recognize the value of adding the Wintergreen property, in Nelson County, Virginia, to the Appalachian Trail system and encourage the Department to make every effort to acquire it before the option expires in March 1983. This is another case where the lack of a land protection plan imperils acquisition of the property.

The managers have not provided acquisition funds for Santa Monica Mountains NRA, California. They have agreed to consider funding again at the next available opportunity.

Amendment No. 27: Earmarks $5,000,000 for Pinelands National Preserve as proposed by the Senate instead of $8,995,000 as proposed by the House.

Amendment No. 28: Deletes House language which earmarked $15,000,000 for the Santa Monica Mountains National Recreation Area.

Amendment No. 29: Authorizes acquisition of a helicopter for replacement only as proposed by the House.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which authorizes funds to be used to conduct emergency search and rescue operations in the National Park System.

Amendment No. 31: Deletes House language which prohibited use of National Park Service facilities for political or social events that would require closure of the facility to the public.

Amendment No. 32: Deletes language proposed by the House regarding the White House grounds.

Amendment No. 33: Deletes language proposed by the House regarding hunting and trapping in units of the National Park System.

Amendment No. 34: Deletes House language which restricts use of the Director's discretionary fund to those Park Service functions which are in accordance with procedures approved by the General Accounting Office.

Amendment No. 35: Deletes House proposed language which would have prohibited anyone owing money to the United States Government for work performed by the National Park Service from serving on any Park Service advisory board or commission.

Amendment No. 36: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior is authorized to enter into a cooperative agreement with the Smith River Fire Protection District, California, for a special use permit on lands within the boundary of Redwood National Park to permit construction of a fire station

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree to authorize the Secretary to enter into an agreement for construction of a fire station on a less than one-half acre tract adjacent to highway U.S. 199 in the northern part of Redwood National Park. The managers should be assured by the Secretary before the agreement is consummated that there will be no impact on park values.

GEOLOGICAL SURVEY

Amendment No. 37: Appropriates $363,389,000 for surveys, investigation and research of the U.S. Geological Survey instead of $365,525,000 as proposed by the House and $352,365,000 as proposed by the Senate.

The increase over the amount approved by the Senate includes $3,000,000 for Side Looking Airborne Radar (SLAR); $4,000,000 for earthquake hazards reduction research, including additional monitoring activities in California and Alaska; $1,400,000 for the volcano hazards program, including expanded monitoring in California and Hawaii; $1,000,000 for geothermal energy geologic surveys; $1,000,000 for the world energy resource assessment program; $1,000,000 for expanded offshore geologic surveys; $600,000 for the Water Research Scientific Information Center; and $300,000 to restore eight FTE's in the nuclear energy hydrology program. The managers have also applied a standard level user charge reduction of $7,915,000.

For Side Looking Airborne Radar, the managers expect the Department to continue the acquisition and processing of SLAR data in the Appalachian region throughout fiscal year 1983. In this regard, the managers expect the Department to establish a reasonable fee for all available SLAR data so as to permit recovery of reasonable acquisition and processing costs.

For offshore geologic surveys, the $1,000,000 is to expand the marine geology investigation program, principally for undersea exploration and assessment work within the U.S. territorial limits.

MINERALS MANAGEMENT SERVICE

Amendment No. 38: Appropriates $196,506,000 for leasing and royalty management as proposed by the Senate instead of $192,568,000 as proposed by the House. The managers agree that the reports requested by each Committee be provided to both Committees and that up to $2,000,000 should be used to contract with the Geological Survey for OCS research related programs.

Amendment No. 39: Deletes House language relating to transfer of receipts.

BUREAU OF MINES

Amendment No. 40: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $143,158,000 for mines and minerals instead of $128,629,000 as proposed by the House and $142,162,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net increase over the amount provided by the House consists of the following: increases of $3,000,000 to establish a multi-year research program on strategic and critical materials to be conducted at the Idaho National Engineering Laboratory as proposed by the Senate, $4,929,000 for review of wilderness areas and RARE II lands including $350,000 to be used to accelerate the automation of mineral survey data and information and $9,600,000 for mineral institutes; decreases of $2,000,000 for minerals health and safety technology and $1,000,000 for mining research and development. Within the amount provided for mineral institutes, a fifth generic mineral technology center is to be created to work on health and safety problems, specifically matters related to respirable dust. The managers concur that the existing facilities at Penn State and West Virginia Universities are particularly suited for research on control of dust particle generation; dilution, dispersion and collection in mine airways; characterization of dust particles and the interaction of dust and lungs within the context of the new generic mineral technology center.

The $3,000,000 increase over the budget for a multi-year research program on strategic and critical materials is to be added to the minerals resources technology activity instead of mining research and development as proposed by the Senate.

Amendment No. 41: Provides that $88,346,000 remain available until expended as proposed by the House instead of $83,946,000 as proposed by the Senate. The amount to remain available includes funds for mineral health and safety technology, minerals environmental technology, minerals resources technology and mining research and development.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Amendment No. 42: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $60,356,000 for regulation and technology instead of $61,313,000 as proposed by the House and $63,819,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The change from the amount proposed by the House is as follows: reductions of $500,000 for Federal inspection and enforcement and $457,000 for technical support. The technical support reduction to the House level conforms to the increase provided by the Senate. The net increase of $1,000,000 over the budget request for inspection and enforcement includes $500,000 for enforcement problems in Virginia and $400,000 for problems outside of Virginia. As problems in Virginia are resolved, the additional inspectors provided for Virginia are to be used elsewhere as needed.

The managers agree with the distribution of funds between state regulatory grants and general administration as proposed by the Senate. The managers agree that the reduction in state regulatory grants is not to come from the amount budgeted for cooperative agreements.

Amendment No. 43: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $161,209,000 for the Abandoned Mine Reclamation Fund instead of $126,609,000 as proposed by the

House and $152,649,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The change from the level of the House includes an increase of $39,000,000 for state reclamation grants and a decrease of $4,400,000 for Interior reclamation projects.

The amount over the budget request for Interior reclamation projects include $1,700,000 for the Olyphant subsidence project; $500,000 for the investigation and design for the Bellevue section of Scranton; $1,300,000 for the Hyde Park backfilling project; $300,000 for Keystone Industrial Park investigation and design; $400,000 for Hampton-Stouffer investigation and design; and $400,000 for the Mayfield bank fire investigation and design.

The managers have also included an additional $1,000,000 which the Department is expected to use to accomplish eligible high priority coal and noncoal projects in those States that do not have approved abandoned mine reclamation programs.

Amendment No. 44: Deletes Senate language and restores House language stricken by the Senate which authorizes the Department of the Interior to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts.

BUREAU OF INDIAN AFFAIRS

Amendment No. 45: Appropriates $843,508,000 for operation of Indian programs instead of $850,477,000 as proposed by the House and $839,339,000 as proposed by the Senate.

The net increase above the amount proposed by the Senate consists of the following: increases of $400,000 for school board training, $126,000 for student transportation, $500,000 for interim formula implementation, $200,000 for special higher education, $3,000,000 for general assistance payments, $2,000,000 for the Indian Child Welfare Act, $2,500,000 for self-determination grants, $1,000,000 for contract support, $1,061,000 for road maintenance, $500,000 for water resources, $250,000 for minerals and mining, $732,000 for irrigation and power, $500,000 for statute of limitations, $250,000 for attorney fees, $300,000 for executive direction and equal opportunity, $1,000,000 for facilities management, and $2,000,000 for general overhead reduction; and decreases of $200,000 for support of the institutionalized handicapped, $1,200,000 for higher education grants, $200,000 for tribally controlled community colleges, $9,365,000 for upgrading Alaska day schools, $500,000 for all other social services, $100,000 for law enforcement, and $335,000 for automatic data processing.

The managers agree that excess capacity exists in the Bureau's school system, but have not concurred in all of the proposed closures. In planning for closures, the Bureau should contact state education officials to determine the states' interest in assuming operation of Concho, Wahpeton, Intermountain and any other boarding schools recommended for closure. The Bureau should work closely with parents of students and the school boards to minimize the impact of closures and to ensure appropriate education and social placement of the students.

With respect to Intermountain boarding school, the managers agree that freshmen should be admitted for the 1983-84 academic year and that any closure plan should include a proposal to continue the special social programs within the school system.

The managers agree that final decisions on closures will be made when sufficient information, such as requested in the House report, has been received.

The managers agree that no funds in excess of the $800,000 provided shall be used for any aspect of school board training.

While the funds have been restored for prekindergarten programs, the managers agree that this activity should either be terminated after fiscal year 1983 or funded through social services.

The managers agree that Alaskan public schools are eligible for Johnson-O'Malley funds on the same basis as any other school.

The $800,000 increase above the House allowance for higher education shall be used solely for the support of graduate students.

The managers agree that the American Indian Scholarship and American Indian Law Program should continue to be operated as in the past.

The managers agree that a decision on the future operation of the Southwestern Indian Polytechnic Institute will be made after receipt of the task force report.

The full-time equivalent student payment to tribally controlled community colleges shall be maintained at $2,812. If insufficient funds have been provided, education administrative money shall be reprogrammed to cover the deficit.

The managers direct the Bureau to move expeditiously to implement changes in the general assistance program to bring payments into conformance with state payments in those states where the standard of need exceeds actual payments. The regulations shall provide flexibility for the Bureau to adjust payments as such payments may be adjusted by the states.

The $2,000,000 above the estimate provided for Indian Child Welfare grants shall be used to support programs of high priority in either urban or reservation locations.

The managers agree that general assistance payments to the State of Maine shall be continued.

Within the amount provided for contract support, $550,000 shall be used to support tribal education contracts. Beginning with the fiscal year 1985 budget submission, contract support funds shall be allocated to program accounts with only funds required for new contracts included in the contract support line item.

The managers direct that within the funds available the United Tribes Educational Technical Center and the Iron Workers' Training program shall be continued at the fiscal year 1982 level.

The managers have no objection to funding of the Mescalero, New Mexico fish hatchery within available funds.

The managers request that the Bureau respond to the concerns expressed by the House with respect to the automatic data processing system.

Amendment No. 46: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment earmarking $9,350,000 for Alaskan day schools instead of $18,715,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that these funds shall be made available to the State of Alaska in increments associated with the estimated costs of upgrading day schools as those schools are transferred to State operation.

Amendment No. 47: Provides $55,278,000 for higher education scholarships and assistance to public schools instead of $54,203,000 as proposed by the House and $56,278,000 as proposed by the Senate.

Amendment No. 48: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $67,250,000 for construction instead of $73,890,000 as proposed by the House and $69,500,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net decrease below the amount proposed by the Senate consists of an increase of $200,000 for advance planning and design and decreases of $300,000 for staff quarters, $750,000 for facility improvement and repair, and $1,400,000 for the Navajo irrigation project.

The managers agree that the funds available for the Laguna School construction project are reprogrammed to the San Simon School ($4,985,000) and advance planning and design ($215,000).

The managers understand that there is a possibility that the Indian Island School construction may be funded by the Department of Education. The Bureau should request construction funds in the fiscal year 1984 budget if Department of Education funds are unavailable.

Amendment No. 49: Deletes earmarking of funds for the AK Chin irrigation project as proposed by the Senate.

Amendment No. 50: Appropriates $43,585,000 as proposed by the Senate instead of $43,705,000 as proposed by the House.

Amendment No. 51: Strikes language added by the Senate concerning use of maintenance funds at boarding schools.

The managers direct the Bureau to dispose of the remaining boarding schools which have been closed as soon as possible.

Amendment No. 52: Deletes language added by the Senate that would have closed Concho boarding school.

Amendment No. 53: Deletes language proposed by the House that would have closed Alaskan day schools.

Amendment No. 54: Deletes language proposed by the House concerning operation of the Southwestern Indian Polytechnic Institute.

Amendment No. 55: Deletes language proposed by the House requiring approval of the transfer of the Albuquerque Indian School and the Santa Fe Indian School.

Amendment No. 56: Deletes language proposed by the House concerning defacement of art work at the Santa Fe Indian School.

The managers are agreed that the Bureau should take every reasonable precaution to safeguard the art work, murals and paintings at the facility.

Amendment No. 57: Deletes language proposed by the House setting forth requirements for school closures.

The managers agree that the Bureau should provide sufficient notice of proposed closures to allow for orderly placement of students, personnel and programs.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment amended to read as follows:

: Provided further, That notwithstanding any other provision of law: The following may be cited as the "Indian Claims Limitation Act of 1982."

SEC. 2. (a) Subsection (a) of section 2415 of title 28, United States Code, is amended by striking "after December 31, 1982" in the third proviso and inserting in lieu the following: "sixty days after the date of publication of the list required by section 4(c) of the Indian Claims Act of 1982: Provided, That, for those claims that are on either of the two lists published pursuant to the Indian Claims Act of 1982, any right of action shall be barred unless the complaint is filed within (1) one year after the Secretary of the Interior has published in the Federal Register a notice rejecting such claim or (2) three years after the date the Secretary of the Interior has submitted legislation or legislative report to Congress to resolve such claim".

(b) Subsection (b) of section 2415 of title 28, United States Code, is amended by striking "December 31, 1982" in the proviso and inserting in lieu the following: "sixty days after the date of the publication of the list required by section 4(c) of the Indian Claims Act of 1982: Provided, That, for those claims that are on either of the two lists published pursuant to the Indian Claims Act of 1982, any right of action shall be barred unless the complaint is filed within (1) one year after the Secretary of the Interior has published in the Federal Register a notice rejecting such claim or (2) three years after the Secretary of the Interior has submitted legislation or legislative report to Congress to resolve such claim".

SEC. 3. (a) Within ninety days after the enactment of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall publish in the Federal Register a list of all claims accruing to any tribe, band or group of Indians or individual Indian on or before July 18, 1966, which have at any time been identified by or submitted to the Secretary under the "Statute of Limitation Project" undertaken by the Department of the Interior and which, but for the provisions of this Act, would be barred by the provisions of section 2415 of title 28, United States Code: Provided, That the Secretary shall have the discretion to exclude from such list any matter which was erroneously identified as a claim and which has no legal merit whatsoever.

(b) Such list shall group the claims on a reservation-by-reservation, tribe-by-tribe, or State-by-State basis, as appropriate, and shall state the nature and geographic location of each claim and only such other additional information as may be needed to identify specifically such claims.

(c) Within thirty days after the publication of this list, the Secretary shall provide a copy of the Indian Claims Limitation Act of 1982 and a copy of the Federal Register containing this list, or such parts as may be pertinent, to each Indian tribe, band or group whose rights or the rights of whose members could be affected by the provisions of section 2415 of title 28, United States Code.

SEC. 4. (a) Any tribe, band or group of Indians or any individual Indian shall have one hundred and eighty days after the date of the publication in the Federal Register of the list provided for in section 3 of this Act to submit to the Secretary any additional specific claim or claims which such tribe, band or group of Indians or individual Indian believes may be affected by section 2415 of title 28, United States Code, and desires to have considered for litigation or legislation by the United States.

(b) Any such claim submitted to the Secretary shall be accompanied by a statement identifying the nature of the claim, the date when the right of action allegedly accrued, the names of the potential plaintiffs and defendants, if known, and such other information needed to identify and evaluate such claim.

(c) Not more than thirty days after the expiration of the one hundred and eighty day period provided for in subsection (a) of this section, the Secretary shall publish in the Federal Register a list containing the additional claims submitted during such period: Provided, That the Secretary shall have the discretion to exclude from such list any matter which has not been sufficiently identified as a claim.

SEC. 5. (a) Any right of action shall be barred sixty days after the date of the publication of the list required by section 4(c) of this Act for those pre-1966 claims which, but for the provisions of this Act, would have been barred by section 2415 of title 28, United States Code, unless such claims are included on either of the lists required by section 3 or 4(c) of this Act.

(b) If the Secretary decides to reject for litigation any of the claims or groups or categories of claims contained on either of the lists required by section 3 or 4(c) of this Act, he shall send a report to the appropriate tribe, band, or group of Indians, whose rights or the rights of whose members could be affected by such rejection, advising them of his decision. The report shall identify the nature and geographic location of each rejected claim and the name of the potential plantiffs and defendants if they are known or can be reasonably ascertained and shall, briefly, state the reasons why such claim or claims were rejected for litigation. Where the Secretary knows or can reasonably ascertain the identity of any of the potential individual Indian plaintiffs and their present addresses, he shall provide them with written notice of such rejection. Upon the request of any Indian claimant, the Secretary shall, without undue delay, provide to such claimant any nonprivileged research materials or evidence gathered by the United States in the documentation of such claim.

(c) The Secretary, as soon as possible after providing the report required by subsection (b) of this section, shall publish a notice in the Federal Register identifying the claims covered in such report. With respect to any claim covered by such report, any right of action shall be barred unless the complaint is filed within one year after the date of publication in the Federal Register.

SEC. 6. (a) If the Secretary determines that any claim or claims contained in either of the lists as provided in sections 3 or 4(c) of this Act is not appropriate for litigation, but determines that such claims may be appropriately resolved by legislation, he shall submit to the Congress legislation to resolve such claims or shall submit to Congress a report setting out options for legislative resolution of such claims.

(b) Any right of right on claims covered by such legislation or report shall be barred unless the complaint is filed within 3 years after the date of submission of such legislation or legislative report to Congress.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have provided for a limited extension of the Statute of Limitations as thousands of documented claims will not be filed prior to the December 31, 1982 deadline. The provision allows for claim settlements through either legislation or litigation.

TERRITORIAL AND INTERNATIONAL AFFAIRS

Amendment No. 59: Appropriates $73,892,000 for administration of territories instead of $70,743,000 as proposed by the House and $77,342,000 as proposed by the Senate. The decrease from the amount proposed by the Senate consists of decreases of $500,000 for the Guam economic development fund; $2,000,000 for Guam hospital renovation and upgrade; $750,000 for the Northern Marianas airport water catchment system; and $200,000 for economic studies.

The managers agree that $150,000 shall be provided within the increase in technical assistance funds for the Eastern Caribbean Center, Virgin Islands. The managers agree that the Northern Marianas shall use covenant construction funds provided in this appropriation Act to provide the balance of $750,000 needed to complete the airport water catchment system in fiscal year 1983. Although $1,000,000 is being provided for planning of water and power facilities in the Virgin Islands, the managers agree there is no commitment to provide funding for construction of these facilities in the future; and the Government of the Virgin Islands and the Assistant Secretary should work together, as requested in the House report, to study the feasibility of providing these facilities through arrangements other than direct Federal funding, such as third-party leasing, and report to the Committees prior to the fiscal year 1984 budget hearings.

The managers agree that all construction contracts shall contain provisions for adequate training of local personnel in construction techniques and maintenance requirements. The managers expect that the $700,000 for technical assistance staff formerly part of the Comptrollers' Offices, as well as the additional technical assistance funds provided, shall be used only for technical assistance activities and not to offset reductions in the Office of Territorial and International Affairs.

Amendment No. 60: Provides that $72,011,000 remain available until expended instead of $68,861,000 as proposed by the House and $75,261,000 as proposed by the Senate. The decrease from the amount proposed by the Senate consists of decreases of $500,000 for Guam economic development fund, $2,000,000 for Guam hospital renovation and upgrade, and $750,000 for Northern Marianas airport water catchment system.

Amendment No. 61: Provides $8,028,000 for construction grants to Guam instead of $6,388,000 as proposed by the House and $10,028,000 as proposed by the Senate. The decrease from the amount proposed by the Senate is $2,000,000 for hospital renovation and upgrade.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $1,881,000 for salaries and expenses instead of $1,882,000 as proposed by the House and $2,081,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The decrease from the amount proposed by the House is $1,000 for GSA space costs.

Amendment No. 63: Appropriates $95,810,000 for the Trust Territory of the

Pacific Islands instead of $81,100,000 as proposed by the House and $102,927,000 as proposed by the Senate. The decrease from the amount proposed by the Senate consists of decreases of $52,000 for the College of Micronesia, $500,000 for satellite communications terminals, $1,300,000 for enhanced operations and maintenance, $2,000,000 for airport terminals in Kosrae, Ponape, Yap, and Palau, $300,000 for dock warehouse in Kosrae, and $2,965,000 for Marshall Islands dock construction.

Amendment No. 64: Provides $77,410,000 for Trust Territory operations instead of $66,800,000 as proposed by the House and $79,262,000 as proposed by the Senate.

Amendment No. 65: Provides $18,400,000 for Trust Territory construction instead of $14,300,000 as proposed by the House and $23,665,000 as proposed by the Senate.

Amendment No. 66Deletes House language prohibiting the use of appropriated funds for debt repayment, as proposed by the Senate.

The managers agree that neither the United States nor the Trust Territory of the Pacific Islands shall be liable for any debts incurred by a governmental entity within the Trust Territory, unless appropriations are specifically provided for that purpose.

DEPARTMENTAL OFFICES

Amendment No. 67: Appropriates $41,589,000 for Office of the Secretary instead of $40,521,000 as proposed by the House and $42,812,000 as proposed by the Senate.

The net decrease below the amount proposed by the Senate consists of an increase of $200,000 for environmental project review and the following decreases: $40,000 for Congressional and Legislative Affairs; $75,000 for field coordination; $178,000 for Offices of the Assistant Secretaries; $20,000 for acquisition and property management; $231,000 for payment to the Working Capital Fund; $400,000 for Senior Executive Service Bonus payments; and $479,000 for space costs.

The managers expect that the funds provided for Assistant Secretaries will be allocated at the discretion of the Secretary among all six Assistant Secretaries.

Amendment No. 68: Deletes House language which stated that no other funds available to the Department from any source should be used for official reception and representation expenses.

Amendment No. 69: Appropriates $896,000 for the Office of Construction Management instead of $1,000,000 as proposed by the House. The managers are concerned that the Department is not using the Office for the purpose for which it was established. In 1981 the Secretary proposed to meet the OMB imposed 12 percent reduction on the Office of the Secretary by reducing this Office by the full reduction proposed for the Office of the Secretary. The Assistant Secretary for Indian Affairs has not used the Office as an effective tool in imposing construction and maintenance standards on the BIA construction and facilities programs. The House Committee proposed transferring the program to the BIA to manage the facilities improvement and repair program. The Senate Committee was concerned that this action would completely negate the efforts of the Office.

The Secretary is requested to take a personal interest in the responsibilities of the Office and report to the Committees what actions he recommends to assure that these responsibilities are met in an effective manner.

Amendment No. 70: Appropriates $18,404,000 for the Office of the Solicitor instead of $17,904,000 as proposed by the House and $19,071,000 as proposed by the Senate. The managers agree that $141,000 of the reduction is to be made in administration and that the amount recommended includes $1,032,000 for creation and implementation of a legal information system. The Solicitor may want to accomplish the reduction imposed by consolidating field offices.

Amendment No. 71: Deletes House language permitting funds available to the Office of the Solicitor to be used to pay expenses authorized by 28 USC 2412(b) as proposed by the Senate.

Amendment No. 72: Restores House language stricken by the Senate which prohibits reallocation of vacancies occurring in the Offices of the Federal Comptrollers to any other organization unless approved through reprogramming procedures. This does not prohibit transfers or reallocations from one Comptroller's Office, i.e., Guam to another, i.e., the Virgin Islands.

Amendment No. 73: Restores House language stricken by the Senate which appropriates and transfers funds to the Bureau of Reclamation for high priority, direct water research projects.

Amendment No. 74: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment which appropriates $6,350,000 for continued operation of the State Water Resource Research Institutes.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Amendment No. 75: Restores House language stricken by the Senate which permits use only of "no year" funds for emergency fire and reclamation needs.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

SEC. 107. No funds provided in this title may be expended by the Department of the Interior for the procurement, leasing, bidding, exploration, or development of lands within the Department of the Interior Central and Northern California Planning Area which lie north of the line between the row of blocks numbered N816 and the row of blocks numbered N817 of the Universal Transverse Mercator Grid System.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers recognize the environmental sensitivity of the tracts east of the tracts currently under litigation in the northern Santa Maria Basin, and expect full compliance with applicable environmental laws.

Amendment No. 77: Restores the section number proposed by the House.

Amendment No. 78: Restores House language prohibiting changing the name of Mount McKinley to Mount Denali.

Amendment No. 79: Deletes House language regarding Committee report prohibitions and reorganizations.

Amendment No. 80: Deletes House language relating to employee details.

Amendment No. 81: Deletes House language prohibiting mining in units of the National Park System except where specifically authorized.

Amendment No. 82: Deletes House language regarding sale or exchange of Park owned land without Congressional approval.

Amendment No. 83: Deletes Senate language regarding offshore leasing activities in four northern California basins.

Amendment No. 84: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 110. Notwithstanding any other provision of law, section 1002 of the Alaska National Interest Lands Conservation Act (Public Law 96-487) (16 U.S.C. 3142(e)(2)(C)) is amended as follows: Insert before the period: "and: Provided, That the Secretary shall prohibit by regulation any person who obtains access to such data and information from the Secretary or from any person other than a permittee from participation in any lease sale which includes the areas from which the information was obtained and from any commercial use of the information. The Secretary shall require that any permittee shall make available such data to any person at fair cost.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Language in the current law requires the Secretary to make such data and information obtained in private exploration available to the public. Since this allows companies that don't directly finance the exploration to get the information and data from the Secretary at little or no expense, there is no incentive for a company to explore. In essence then, nonparticipating companies could reap a windfall. Comments to the Department of Interior on this matter from prospective explorers suggest that private industry will not explore absent the change agreed to by the managers. The Congressional Budget Office in 1980 reported that the cost to the government to conduct the exploration was estimated at more than $61 million. Because the exploration effort has been mandated by an act of Congress, either the government or private industry must bear the expense. This amendment will thus save the government this expense.

The effect of the language is to put all commercial interests on an equal footing by denying any company that gets data and information from the Secretary or any party other than a permittee from participating in a subsequent lease sale of land within the ANWR, unless the permittee is financially compensated at fair cost for such data or information.

At the same time, this language preserves the right of public access to this data for the purpose of full public discussion and debate regarding whether the ANWR should be opened to lease.

TITLE II—RELATED AGENCIES

U.S. FOREST SERVICE

Amendment No. 85: Appropriates $105,021,000 for forest research instead of $106,352,000 as proposed by the House and $104,604,000 as proposed by the Senate. The increase above the amount proposed by the Senate consists of the following: Net increases of $150,000 for fire and atmospheric science research, $69,000 for insect and disease research, $300,000 for renewable resource evaluation, $350,000 for surface environment and mining, $79,000 for trees and timber management; and decreases of

$196,000 for renewable resource economics and $335,000 for GSA space costs.

The managers agree that not less than $1,000,000 should be made available for the Forestry Intensified Research (FIR) program.

Of the fire and atmospheric research increase, at least $100,000 is for the Bend, Oregon lab. Of the insect and disease research increase, up to $126,000 is for the Moscow, Idaho lab. Of the increase for trees and timber management, at least $149,000 is for the Boise, Idaho lab, at least $100,000 is for the Bend, Oregon lab, and at least $200,000 is for the Sewanee, Tennessee lab. Of the increase for wildlife, range and fish, at least $353,000 is for the Oregon EVAL project. Of the watershed management research increase, at least $100,000 is for the Reno, Nevada lab.

The managers agree that the Forest Service shall follow the directives in the House Report with regard to reconstituting the gypsy moth research program; and that the increase provided of $350,000 shall be used to fund the best proposals in line with such a reconstituted program. The managers understand that among those who might participate in such a program are the Forest Service Morgantown, West Virginia lab, and the Pennsylvania State University.

The managers agree that within available funds, $105,000 is to be provided to the Southern Forest Experiment Station for the Texas Live Oak Mortality Project.

Amendment No. 86: Deletes House reference to a transfer of funds.

Amendment No. 87: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $62,328,000 for state and private forestry instead of $58,770,000 as proposed by the House and $61,078,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Increases from the allowance provided by the House include $708,000 for planning assistance for the States, $100,000 for the Gifford Pinchot Institute, and $3,950,000 for forest pest management activities, including an additional $100,000 for cooperation on state and private lands, and $3,850,000 for pest management on Federal lands. Decreases from the House allowance include $500,000 from urban forestry and $700,000 from rural forestry assistance. This leaves the House proposed increase of $300,000 for rural forestry assistance for the tree improvement program.

The managers agreed to restate their displeasure with the manner in which the Forest Service and the Department handled the 1982 gypsy moth outbreak. The managers reaffirm the 1976 direction that Federal cost-sharing for cooperative suppression projects be 25% on non-Federal public land; 33-⅓% on industry lands; and 50% for nonindustrial private lands. In prior years, this cost-sharing arrangement has averaged 47% Federal—53% non-Federal cost-sharing. If the funding provided for cooperative suppression projects is not adequate, the FS is directed to submit a reprogramming or supplemental budget request, or reduce state funds proportionately but shall not reduce the Federal cost-share rate without public involvement and Committee approval. The FS shall announce its proposed cooperative program within 30 days after enactment of this Act and work with the States to finalize a program in a timely manner.

Under forest pest management, $20,000 shall be available for the Texas Live Oak Mortality Project.

Amendment No. 88: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $58,828,000 shall remain available until expended, instead of $55,420,000 as proposed by the House and $58,078,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 89: Deletes language proposed by the House that would have transferred $100,000 from the Office of the Assistant Secretary of Agriculture for Natural Resources and Environment to support the Gifford Pinchot Institute.

Amendment No. 90: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $1,010,436,000 for the national forest system instead of $1,009,093,000 as proposed by the House and $1,007,697,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net increase above the amount proposed by the House consists of: increases of $2,821,000 for minerals, $100,000 for fire protection, $5,800,000 for timber sales and harvest administration, $1,500,000 for range improvements, $600,000 for program support; and decreases of $1,000,000 for land management, $1,400,000 for land line location, $2,100,000 for road maintenance, $2,000,000 for timber stand improvement, $700,000 for recreation use, $250,000 for wild horses and burros, $728,000 for soil and water inventories, $1,000,000 for soil and water support, and $300,000 for general administration.

The managers agree that funds have been provided sufficient for a timber sales preparation and offering program of 11.0 BBF, and an assumed harvest level of 8.5 BBF. Within the timber support activities, the managers agree that funds originally budgeted in support of a larger timber sales program not needed for the 11.0 BBF program may be used for other high priority purposes. In the allowance provided for wildlife, the managers agree that timber support savings be redirected for endangered and threatened species habitat. The managers agree that within the range management allowance, $75,000 is included for pilot studies on brush encroachment in the Tonto NF and the Prescott NF.

The managers agree that all of the costs of the Forest Service activities on the Oregon and California Grant Lands shall be made available from that account, under the Bureau of Land Management. The $5,000,000 reduction in general administration (offset by a $1,000,000 increase for research support) has not been specified, and should be allocated appropriately by the Forest Service.

The managers agree that the expansion of the special salvage timber sale program, as directed in the Senate report, shall occur only in the Southwest. The additional funds for timber stand improvement are for the highest productivity site classes (over 85 cfy) and are to be targeted to those states with the highest levels of unemployment, to the maximum extent practical.

Within available funds, up to $80,000 should be used to control the infestation of dwarf mistletoe in the Sawtooth National Forest.

Amendment No. 91: Provides that $182,500,000 shall remain available for obligation until September 30, 1984, instead of $186,700,000 as proposed by the House and $177,600,000 as proposed by the Senate.

Amendment No. 92: Appropriates $281,431,000 instead of $229,756,000 as proposed by the House and $286,805,000 as proposed by the Senate.

The decreases from the House allowance include $125,000 for the Sunny Dene Resort, Minnesota (which is to be funded out of available funds) and $2,000,000 for trail construction. Increases from the House allowance include $44,800,000 for road construction and $9,000,000 for final settlement for the Chugach Natives, Inc., Alaska.

Included in the allowance is $50,000 for road work at the Mount Magazine area of the Ozark NF, Arkansas. The managers agree that none of the funds contained in the bill should be used to design or construct a new office for the Oconee Ranger District in Georgia. The managers encourage the FS to provide a road construction program balanced between roaded and unroaded areas. Adequate funds are included to support the timber sales program directed.

The managers agree that the FS needs to improve its justification for road construction funding in future years.

Amendment No. 93: Provides $26,316,000 for facility construction instead of $26,432,000 as proposed by the House and $21,066,000 as proposed by the Senate.

Amendment No. 94: Provides $246,115,000 for construction of forest roads and trails by the Forest Service instead of $203,324,000 as proposed by the House and $256,739,000 as proposed by the Senate.

Amendment No. 95: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides $9,000,000 for final payment for final settlement of the land claims of the Chugach Natives, Incorporated.

Amendment No. 96: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing that $240,000,000 will remain available without fiscal year limitation for the construction of forest roads by timber purchasers, instead of $218,000,000 as proposed by the House and $236,200,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 97: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment amended to read as follows:

YOUTH CONSERVATION CORPS

There is appropriated $10,000,000, of which $3,400,000 is hereby transferred to "National Forest System", $3,300,000 is hereby transferred to "Operation of the National Park System", National Park Service, and $3,300,000 is hereby transferred to "Resource Management", United States Fish and Wildlife Service, for high priority projects which shall be carried out as if authorized by Public Law 93-408.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers are allocating these funds directly to the resource management agencies mentioned so as to avoid the unnecessary overhead cost of a central coordinating body. This approach was used in fiscal year 1982 with very satisfactory results.

Amendment No. 98: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $56,877,000 for land acquisition instead of $53,476,000 as proposed by the House and $55,117,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The allowance provides funds for the following:

Acquisitions management..	$4,000,000
Deficiencies	722,000
Inholdings and composites	1,742,000
Appalachian Trail	1,360,000
Boundary Water Canoe Area, Minn	3,000,000
Cascade Head SRA, Oreg...	707,000
Alpine Lakes, Washington.	26,446,000
Lake Tahoe, Nevada & California	10,000,000
Mount Rogers NRA, Va	200,000
Ausable River—Huron-Manistee NF, Mich	2,000,000
Three Sisters Wilderness (Rock Mesa) Ore	2,000,000
Sawtooth NRA, Idaho	4,700,000
Total	56,877,000

The Three Sisters Wilderness acquisition funding is for patented claims only and the first Sawtooth NRA property is the Piva property.

Amendment No. 99: Deletes language of the House which provided for acquisition of lands not agreed to by the Senate.

Amendment No. 100: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

None of the funds made available under this Act shall be obligated or expended to adjust annual recreational residence fees to an amount greater than that annual fee in effect at the time of the next to last fee adjustment, plus 50 per centum. In those cases where the currently applicable annual recreational residence fee exceeds that adjusted amount, the Forest Service shall credit to the permittee that excess amount, times the number of years that that fee has been in effect, to offset future fees owed to the Forest Service.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that the current methodology for establishing and revising recreational residence fees has led to enormous increases in fees owed by permittees and has thereby restricted access to residence sites to the wealthy. This amendment provides needed fee relief.

Amendment No. 101: Restores House language stricken by the Senate which provides that the appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Amendment No. 102: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter striken by said amendment, amended to read as follows:

Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on appropriations in compliance with the reprograming procedures contained in House Report 97-942.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The amendment permits the Secretary, with the approval of the House and Senate Committees on Appropriations, to transfer funds between appropriation accounts within the Forest Service and to transfer funds into Forest Service appropriation accounts from other agencies, pursuant to the provisons of Section 702(b) of the Department of Agriculture Organic Act of 1944.

Amendment No. 103: Restores House language striken by the Senate prohibiting transfer of funds appropriated to the Forest Service to the Department's Working Capital Fund without approval of the Chief of the Forest Service.

DEPARTMENT OF ENERGY—ENERGY SECURITY RESERVE

The managers concur in the language expressed by the Senate with respect to the slow progress of the Synthetic Fuels Corporation in awarding financial assistance to synthetic fuel project proposals. The managers note that the SFC must submit its comprehensive strategy to the Congress by June 30, 1984, and, accordingly, must take significant steps to resolve a number of problems as outlined in the explanatory statement filed by the Senate.

The concern of the managers is specifically directed in the following three areas:

1. The managers recommend that the SFC Board of Directors provide letters of intent or conditional commitments to those projects which may not yet be in a position to enter into final financial assistance agreements with the Corporation.

2. The managers expect the SFC to expand efforts to reach out and encourage investors in synthetic fuel projects.

3. The managers expect that maximum use be made of section 131(u) cost sharing to advance proposed projects to awards.

The managers do not, however, believe it is inappropriate at this time for the SFC to explore the awarding of financial assistance in support of the demonstration of synthetic fuels from the Naval Oil Shale Reserve at Rifle, Colorado. In this regard, the managers wish to reserve judgment until the SFC has submitted to the Congress a final proposal for the use of resources from the NOSR.

The managers expect the SFC to report, by January 14, 1982, on the steps taken and progress made in the resolution of these and the other problems experienced by the Corporation in meeting its statutory mandates.

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

Amendment No. 104: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment in the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

$215,514,000 and $31,700,000 to be derived by transfer from the account in Public Law 96-126 (93 Stat. 970 (1979)) entitled "Alternative Fuels Production", and $40,000,000 to be derived by transfer from the account in Public Law 96-304 entitled "Energy Security Reserve" established to carry out the provisions set forth in section 204(a)(2) of the "Energy Security Act" (Public Law 96-294)

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The net change from the House is as follows: decreases of $1,000,000 for coal preparation; $1,000,000 in liquefaction for health effects research to examine the toxic characteristics in the process streams of coal liquids; $1,000,000 for the analysis and evaluation of data from all direct liquefaction pilot plants; $3,000,000 for the Homer City, Pa. gas test facility; $1,000,000 in surface coal gasification for equipment, instrumentation and alternate concept development; $1,000,000 in surface coal gasification for equipment and instrumentation related to gasification processes; $1,350,000 in advanced research and technology development for liquefaction studies and $1,150,000 for gasification studies; $2,750,000 for University Coal Research; $750,000 in dispersed power systems; $500,000 for central power systems and $350,000 for coal fired closed cycle gas turbine cogeneration; $1,250,000 for phosphoric acid fuel cells and $500,000 for molten carbonate fuel cells; $2,000,000 for magnetohydrodynamics; $1,000,000 for the third well of the unconventional gas multi-well project; and $1,400,000 for program direction; increases of $900,000 in advanced research and technology development for structural ceramics, fluid corrosive mechanics, high temperature corrosion and slag/refractory interaction; $2,000,000 in advanced research and technology development to explore new material catalysts, and electrolytes for fuel cell systems; $2,400,000 in advanced research and technology development to continue studies of coal-ash behavior and fluidized bed systems and to investigate improved downstream processing techniques, $2,000,000 to continue work on peat dewatering, harvesting and wet carbonization; $4,200,000 for atmospheric fluidized beds which includes $650,000 for lignite utilization and $3,550,000 for advanced concepts; $300,000 for thermionics; and $1,350,000 to complete an experimental Utah oil shale project using the Geokinetics process.

Funds for magnetohydrodynamics are to continue activity with existing contractors, national labs and universities. No money is provided for the coal conversion systems technical data book.

The managers urge the Department, within available funds, to conduct appropriate research and development of a direct coal fired gas turbine. The managers also encourage the Department to evaluate low temperature, low pressure processes for producing hydrocarbon fuels having fluid characteristics.

The managers agree that there is $4,800,000 for the 4.8 MW powerplant and that there is no less than $4,000,000 for the 40 KW on site technology development program. The managers urge the Department of Defense to provide financial support to those fuel cell technologies with military applications.

The managers have included $30,000,000 for program direction costs of the Fossil Energy Technology Centers. This amount provides for all indirect personnel costs associated with the Centers' functions. Direct personnel costs and related expenses shall

continue to be funded from specific R&D program allocations. In providing this separate funding the managers understand that the Department's schedule for transferring the three western Centers to non-Federal operatorship has slipped. Should there be lengthy delays, the Department will be expected to submit a timely reprogramming request to meet the funding needs of these Centers.

The managers are aware of interests in establishing additional Fossil Energy lead laboratory assignments, especially in areas that cross-cut the entire Fossil Energy program, to organizations outside the Office of the Assistant Secretary for Fossil Energy. The managers are concerned that such assignments would be a further example of the Department's de-emphasis of the Fossil Energy program and a diminution of the role of the Federal personnel assigned to the Office of Fossil Energy. Therefore, the Department is directed to maintain the current and future lead assignments within the Energy Technology Centers. These Centers are a dedicated resource to the Fossil Energy program and offer the continuity and program focus that is necessary to preserve the long-term balance of Fossil Energy technologies within the Department's programs.

Amendment No. 105: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which transfers and designates $2,000,000 from the alternative fuels production account for a feasibility study of a Western Hemisphere alternative fuels facility which would utilize coal exported from the United States.

Amendment No. 106: Appropriates $222,000,000 for the Naval Petroleum and Oil Shale Reserves as proposed by the House instead of $226,500,000 as proposed by the Senate.

ENERGY CONSERVATION

Amendment No. 107: Appropriates $279,290,000 for energy conservation instead of $317,790,000 as proposed by the House and $264,530,000 as proposed by the Senate. The net decrease under the amount proposed by the House consists of the following: decreases of $700,000 for building systems; $700,000 for appliance standards; $1,900,000 for industrial process efficiency; $100,000 for industrial conservation program direction; $1,000,000 for Stirling engine research and development; $400,000 for advanced research on electric vehicles; $500,000 to test and evaluate demonstration vehicles; $6,000,000 for energy policy and conservation grants to States; $12,000,000 for schools and hospitals grants; $2,500,000 for low income weatherization; $2,000,000 for the inventors program; and increases of $3,400,000 for residential conservation service; $1,600,000 for the automotive gas turbine; $300,000 for advanced vehicle research and development; and $1,000,000 for hybrid vehicle research and development.

The managers agree that the $2,000,000 provided for the inventors program is for the National Bureau of Standards to continue to test and evaluate inventions. None of the $2,000,000 is to provide grants to inventors.

The managers also agree that the appliance standards program is to continue to support the Federal Trade Commission labelling program and to grant waivers to States for preemption.

The managers are pleased with the progress of the two automotive gas turbines and agree that the competition should continue for another year. The Committees will look closely at the program for fiscal year 1984 and consider again whether the competition should continue.

The managers agree to establish a National Appropriate Technology Assistance Service to facilitate the dissemination of information developed and to render technical assistance to individuals, community organizations, State and local governments, and businesses. The Department is encouraged to select an organization or organizations best able to perform such activities.

The House has agreed to the use of $24,000,000 in unobligated funds as proposed by the Senate. The House had originally proposed $7,000,000.

The managers concur that $600,000 shall be available directly to the Department of Energy for program policy coordination and for technology assessment and transfer activities related to the advanced automobile propulsion systems program and the heavy duty transport program and that $34,400,000 shall be available to the National Aeronautics and Space Administration (NASA) for management of these programs. NASA may transfer such additional sums as may be necessary, but not more than $2,000,000, to DOE for the execution of the Department's responsibilities named above.

Amendment No. 108: Transfers $64,000,000 from "Fossil energy construction" as proposed by the House instead of $29,000,000 as proposed by the Senate.

Amendment No. 109: Deletes House language which required States to match at least 20 percent of the Federal contribution for State energy grants. The managers agree that it would create a hardship on the States to match the Federal share without prior notice. However, the managers concur that the States should prepare to match these funds in future years.

Amendment No. 110: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which strikes House language which states that the transfer of funds to the National Aeronautics and Space Administration is to continue the program and inserts Senate language which states the transfer is for program management.

ECONOMIC REGULATION

Amendment No. 111: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $35,106,000 for economic regulation instead of $31,106,000 as proposed by the House and $33,106,000 as proposed by the Senate.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase from the amount provided by the Senate is $2,000,000 for the compliance program. In addition, the $3,000,000 carried over from prior years is to be allocated as follows: $1,500,000 for compliance and $1,500,000 for program direction to be used for severance pay for those people separated during fiscal year 1982.

Amendment No. 112: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

: Provided, That $2,000,000 of the funds herein appropriated shall be available for the fuels conversion program, of which not less than $1,500,000 shall be available only for expenses in issuing prohibition orders under the Powerplant and Industrial Fuel Use Act and other related laws

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ENERGY INFORMATION ADMINISTRATION

Amendment No. 113: Appropriates $56,400,000 for the Energy Information Administration instead of $58,800,000 as proposed by the House and $54,500,000 as proposed by the Senate. The decrease in the amount provided by the House eliminates the increase which allowed for continuation of data collection on the pricing, supply, and distribution of petroleum products at wholesale and retail levels on a State-by-State basis. The managers are aware that activity will continue in this area within the amount appropriated.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Amendment No. 114: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allows the Secretary of Energy to enter into arrangements with the University of Wyoming to transfer the Laramie Energy Technology Center to the university and with the University of North Dakota to transfer the Grand Forks Energy Technology Center to the university.

Amendment No. 115: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that any contract entered into with a non-profit organization shall be on a cost-shared basis.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH SERVICES ADMINISTRATION

Amendment No., 116: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $645,583,000 for Indian health services instead of $645,305,000 as proposed by the House and $623,724,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The net increase above the Senate consists of: increases of $500,000 for model diabetes, $4,859,000 for full-year costs of the 1982 Pay Act, $1,000,000 for alcoholism, $5,346,000 for urban health projects, $1,716,000 for Indian health manpower and $10,000,000 for the Medicare/Medicaid offset; and decreases of $800,000 for a nursing educational program and $762,000 for GSA space costs.

The managers agree: that funds are provided for 90 new positions at the Chinle Hospital; that of the $325,000 provided for nursing education, $125,000 is for Tuba City and the balance is for other locations where the funds can be used in fiscal year 1983 for upgrading LPN's to RN's; that the full year pay costs are provided in hospitals and clinics, and approximately 50% of the amount proposed by the House in the other accounts; that of the $1,000,000 increase for alcoholism, between $100,000 and $200,000 is for research on alcohol abuse and alcoholism and $300,000 is for fetal alcohol syndrome research, including $75,000 for the University of Washington; that Alaska shall

be included in the Community Health Representatives program; that the $6,000,000 for urban health projects represents costs for the remaining ¾ of fiscal year 1983 for projects currently funded, with the balance to be used for technical assistance and to respond to the directives in the House report; that IHS should begin immediately to set up to cooperative program with the State of Alaska for hepatitis B screening and immunization; that within the Indian health manpower program, $150,000 is provided for the MPH program and $200,000 for INMED; that IHS should reallocate $5,000,000 from within the base program, not mandatory or program increases, as part of the Equity funding activity; that within available funds for hospitals and clinics, $4,000,000 is to be used for emergency medical services formerly budgeted under the CHR program.

The managers agree that within the funds provided for contract care, IHS should ensure adequate funds are available for Sage Memorial Hospital, Arizona in accordance with its contract; and should direct funding to the Nurse Practitioner Clinic in Idaho, if cost-effective.

While the managers agree that national implementation of competitive bidding for the contract care program would be premature, the Indian Health Service should make every effort to comply with Departmental policy requiring waiver requests when competitive bidding is not used.

The managers agree that the Indian Health Service should continue regular program operation in the manpower program, including funding for new students.

Within the funds provided for alcoholism, the managers agree that $85,000 shall be made available for the Papago alcoholism rehabilitation project.

Amendment No. 117: Deletes House language which would have required that the first $5,000,000 of Medicare/Medicaid collections by the Indian Health Service be used to carry out the purposes for which the appropriation is made.

Amendment No. 118: Provides that $5,000,000 of the amounts collected under the authority of Title IV of the Indian Health Care Improvement Act shall be used to offset appropriations for Indian health services as proposed by the House instead of $15,000,000 as proposed by the Senate.

Amendment No. 119: Appropriates $34,700,000 for Indian health facilities instead of $37,235,000 as proposed by the House and $30,750,000 as proposed by the Senate. The increase above the amount proposed by the Senate is $3,950,000 for sanitation facilities.

The managers are concerned about the delays in the hospital construction program which have been experienced during the last two years for fiscal rather than program reasons. The managers expect the Department to take all steps necessary to advertise and award a phased-funding construction contract by July 1983.

The managers agree $500,000 is available from unobligated balances to complete planning of the Sacaton, Arizona hospital; that costs for sanitation facilities provided for the Navajo and Hopi Indian Relocation program are to be reimbursed from funds available to that program; and that, within available sanitation facilities funds, $900,000 shall be used for the Turtle Mountain project.

The managers further agree that the 18 units of Bureau of Indian Affairs housing currently being renovated for use by IHS staff at the Chinle Hospital shall remain available to IHS for that purpose as long as they are needed.

Amendment No. 120: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provided for a limitation on Indian health services provides to non-Indian spouses and household members.

The managers request that the Indian Health Service determine the impact of this limitation through consultation with the tribes. Further, IHS should determine the amount of money saved by this limitation and report to the Committees on Appropriations of the House and the Senate. Any savings should be considered for redistribution as part of the $5,000,000 which is to be added to the equity fund.

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Amendment No. 121: Provides $48,465,000 for Part A of the Indian Education Act instead of $46,965,000 as proposed by the House and $49,614,000 as proposed by the Senate.

Amendment No. 122: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment providing $16,193,000 for Parts B and C of the Indian Education Act instead of $15,965,000 as proposed by the House and $13,913,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 123: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment appropriating $67,247,000 for Indian education instead of $65,519,000 as proposed by the House and $66,216,000 as proposed by the Senate. The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The increase above the amount proposed by the House consists of $1,500,000 for Part A and $228,000 for Part C.

The managers agree that Part B funds shall be allocated as follows: $3,360,000 for planning, pilot and demonstration projects; $3,700,000 for educational services projects; $2,000,000 for educational personnel development; $1,440,000 for fellowships; and $2,100,000 for resource centers. The managers further agree that the educational services projects activity shall be continued, including the granting of new awards; and that the adult education funds should be directed as much as possible to groups without access to Bureau of Indian Affairs, State or other sources of adult education funds.

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

Amendment No. 124: Appropriates $7,665,000 as proposed by the Senate instead of $9,359,000 as proposed by the House.

Amendment No. 125: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides a limitation on payments authorized by the Navajo and Hopi Indian Relocation Act.

SMITHSONIAN INSTITUTION

Amendment No. 126: Appropriates $144,366,000 for Salaries and Expenses instead of $147,276,000 as proposed by the House and $140,249,000 as proposed by the Senate.

The net increase above the Senate consists of the following: increases of $462,000 for the non-personnel costs for the Center for the Study of Man; $375,000 for the Smithsonian Institution libraries; $782,000 for the National Museum Act; $500,000 for staffing of the Museum Support Center; $1,000,000 for a John F. Kennedy Center Trustee grant; $200,000 for administration; and $1,208,000 for the Office of Protection Services; and decreases of $200,000 of overhead costs of the Smithsonian Astrophysical Observatory; $50,000 for utility costs; and $140,000 for space costs.

The managers agree that the increase for administration shall be used to prepare a film commemorating the signing of the Treaty of Paris.

If additional staff are required for the Museum Support Center, the Smithsonian should reallocate existing positions.

Amendment No. 127: Restores earmarking proposed by the House for a John F. Kennedy Center Trustee Grant.

The managers agree that $1,000,000 shall be provided to the National Symphony Orchestra for activities related to its responsibilities as resident orchestra of the Center.

Amendment No. 128: Appropriates $8,450,000 for restoration and renovation of buildings as proposed by the House instead of $7,450,000 as proposed by the Senate.

NATIONAL GALLERY OF ART

Amendment No. 129: Restores the House language which allows $100,000 for restoration and repair of works of art by contract without advertising. Senate bill allowed $70,000.

Amendment No. 130: Appropriates $32,878,000 for salaries and expenses instead of $34,839,000 as proposed by the House and $32,228,000 as proposed by the Senate. The decrease under the amount proposed by the House consists of reductions of: $1,200,000 to accelerate renovation of the West Building, $195,000 reduction in personnel compensation and benefits, $233,000 of the amount provided to retain evening hours and $333,000 to continue 35 full-time equivalents. The amount provided to retain evening hours is for the heavy visitation period between Memorial Day and Labor Day.

Amendment No. 131: Provides a limitation of $4,900,000 on the amount available for repair, restoration and renovation of the West Building instead of $6,100,000 as proposed by the House and $4,100,000 as proposed by the Senate.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

Amendment No. 132: Appropriates $2,321,000 for salaries and expenses as proposed by the Senate instead of $2,255,000 as proposed by the House.

NATIONAL ENDOWMENT FOR THE ARTS

The managers agree that the Endowment may provide support for the President's Committee on the Arts and Humanities.

NATIONAL ENDOWMENT FOR THE HUMANITIES

Amendment No. 133: Appropriates $102,132,000 for salaries and expenses as proposed by the Senate instead of $102,632,000 as proposed by the House.

The managers agree to the following account structure and distribution of funds:

State Programs	$20,329,000
Public Programs:	
Media Grants	8,447,000

Museums and Historical Organizations	6,912,000
Public Libraries	2,650,000
Education Programs	14,301,000
Fellowships and Seminars	13,405,000
Research Grants	16,555,000
Special Projects	7,103,000
Planning and Assessment	730,000
Total Program Funds	90,432,000

The managers urge the Endowment staff to work closely with applicants in the area of public programs to ensure that maximum benefit is derived from the funds provided.

Amendment No. 134: Provides $11,700,000 for administrative expenses as proposed by the Senate instead of $12,200,000 as proposed by the House.

Amendment No. 135: Provides $16,864,000 for Challenge Grants as proposed by the Senate instead of $19,864,000 as proposed by the House.

INSTITUTE OF MUSEUM SERVICES

Amendment No. 136: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

: Provided further, That regulations of the Institute shall require (1) an appeal process for applications rejected because of technical deficiency, (2) reconsideration of applications upon receipt of materials in a timely manner if the application was rejected because material did not accompany the application, and (3) waivers of certain records under circumstances which would require such waivers

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers agree that no matching funds are required for the Museum Assessment program.

Amendment No. 137: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

: Provided, That hereafter persons serving on the National Council on the Arts, the National Council on the Humanities, and the Museum Services Board shall continue serving until their successors are qualified for office

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Amendment No. 138: Appropriates $1,500,000 for the Advisory Council on Historic Preservation instead of $1,600,000 as proposed by the House and $1,000,000 as proposed by the Senate.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

Amendment No. 139: Appropriates $2,350,000 for salaries and expenses as proposed by the House instead of $2,425,000 as proposed by the Senate. Within the amount appropriated, the Corporation may use $50,000 for the move to the Old Post Office Building and for any increase in space rental costs resulting from the move.

Amendment No. 140: Deletes the Land Acquisition and Development Fund account of the Corporation as proposed by the Senate. The managers will give every consideration to future requests for this account. There are unobligated balances which should be sufficient for this area in fiscal year 1983.

Amendment No. 141: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows:

DEPARTMENT OF THE TREASURY—ENERGY SECURITY RESERVE

Notwithstanding any other law, funds made available from the Energy Security Reserve to the Secretary of Energy for alcohol fuel loan guarantees authorized by Title II of the Energy Security Act, Public Law 96-294, may be used to guarantee loans up to three and one-half times the amount held in reserve.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The managers agree to change the leverage on alcohol fuel loan guarantees from a ratio of three to one to three and one-half to one.

TITLE III—GENERAL PROVISIONS

Amendment No. 142: Deletes House prohibition on the expenditure of funds for passenger automobiles with less than an estimated 22 miles per gallon average.

Amendment No. 143: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which deletes House language and inserts Senate language regarding mineral activities in wilderness areas.

Amendment No. 144: Deletes language of the House relating to Office of Management and Budget guidelines on providing information to the Congress on the capability of agencies to spend money not included in the budget request.

The managers agree, however, that there must be a free exchange of information between the Executive and Legislative branches. This free exchange has been severely constrained by revision of OMB Circular A-10 which has prevented Federal agencies from providing certain funding information to the Congress.

Funding decisions made by the Congress in annual appropriations bills occur only after careful consideration of the President's budget, testimony by hundreds of departmental and nondepartmental witnesses, assessment of national needs, and regional considerations. The Appropriations Committee has the responsibility to consider input from all interested parties and has traditionally limited changes to the President's budget to programs which have been justified in testimony or which reflect more current information and conditions. This is particularly important considering the fact that the budget, which becomes operative on October 1, was developed 18 months before the effective date within the Executive Branch and Federal agencies.

The managers agree that withholding capability statements denies the Administration the opportunity to continue participation in the development of an appropriation bill adequate to meet the needs of the nation. It often results in additions that would not have been made had the Administration provided accurate and objective information in a timely manner. Further, the managers view OMB's action as an attempt by the Administration to exclude the Congress from its proper role of evaluating Executive Branch budget requests, as well as considering input from Members of Congress and local interests. In the absence of funding information, the Committee uses estimates and data developed by others who are less qualified, have not had proper scientific and technical review of responsible experts within the Executive Branch and are usually not objective. Such a procedure may result in misallocations of funds and higher Federal spending.

Accordingly, the managers urge OMB to rescind its previous revisions to OMB Circular A-10 which preclude disclosure of any funding capabilities in excess of the President's budget. Further, this Committee expects all agencies to respond fully and freely, and to provide the information requested which is critical in developing and reviewing annual budget proposals.

The managers remind the Director that 31 U.S.C. 20 requires the Office of Management and Budget to furnish any committee of either House of Congress having jurisdiction over revenue or appropriations such aid and information as it may request.

Amendment No. 145: Restores the matter stricken and inserts new section number 309. The managers have included House language prohibiting the use of appropriated funds to evaluate, consider, process or award certain mineral leases in the Mount Baker Snoqualmie National Forest.

Amendment No. 146: Deletes language proposed by the House which would have required that any reductions-in-force be proportionately distributed among headquarters and field offices.

Amendment No. 147: In lieu of the section number stricken, insert 310.

Amendment No. 148: In lieu of the section number stricken, insert 311.

Amendment No. 149: Restores the matter stricken and inserts new section number 312. The managers agree that funds provided in the Act may not be used to acquire lands above the appraised value without Committee approval except in condemnation and declarations of taking.

Amendment No. 150: Deletes House language prohibiting the merger of research funds appropriated in this Act with research funds from other appropriation acts.

Amendment No. 151: In lieu of the section number stricken, insert 313

Amendment No. 152: In lieu of the section number named insert 314

Amendment No. 153: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

Sec. 315. The titles conveyed by and the easements and restrictions heretofore reserved and imposed by the Secretary of the Interior pursuant to section 506(c) of Public Law 96-487 are hereby confirmed in all respects: Provided: That nothing herein shall be deemed to amend the Alaska National Interest Lands Conservation Act or the Alaska Native Claims Settlement Act.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 154: Reported in technical disagreement the managers on the part of the House will after a motion to recede and concur in the amendment of the Senate, amended to change the section number from "314" to "316.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The Senate language provides a procedure for the disposal of Federal land.

Amendment No. 155: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

Sec. 317. In the case of any new electric power plant located in Alaska for which a petition is accepted after the date of enactment of this Act, but before December 31, 1985, pursuant to section 212(f) of the Powerplant and Industrial Fuel Use Act of 1978, to use natural gas (as that term is defined in such Act), as a primary energy source in such power plant, the petitioner shall be deemed to have made the demonstrations required by clauses (1) and (2) of such section and such exemption, subject to the other applicable provisions of such Act, shall be granted by the Secretary of Energy. Nothing in this section shall apply to any new electric power plant using natural gas produced from the Prudhoe Bay Unit of Alaska.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have granted only a limited exemption for Alaska with this amendment. This action does not preclude the possibility that a broader exemption may be examined in the future.

Amendment No. 156: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate, amended to change the section number from "316" to "318". The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

This amendment will allow the Secretary of the Interior to issue one off-site lease for surface operations necessary to support the continued development of Federal prototype tract C-a as well as two additional 320 acres by-pass leases.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1983 recommended by the Committee of Conference, with comparisons to the fiscal year 1982 amount, the 1983 budget estimates, and the House and Senate bills for 1983 follow:

New budget (obligational) authority, fiscal year 1982	$7,363,816,000
Budget estimates of new (obligational) authority, fiscal year 1983	6,576,960,000
House bill, fiscal year 1983	7,386,522,000
Senate bill, fiscal year 1983	7,391,607,000
Conference agreement, fiscal year 1983	7,500,025,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1982	+136,209,000
Budget estimates of new (obligational) authority, fiscal year 1983	+923,065,000
House bill, fiscal year 1983	+113,503,000
Senate bill, fiscal year 1983	+108,418,000

SIDNEY R. YATES,
JOHN P. MURTHA,
NORMAN D. DICKS,
LES AUCOIN,
JAMIE L. WHITTEN,
JOSEPH M. MCDADE,
RALPH REGULA,
TOM LOEFFLER,
SILVIO O. CONTE,
WILLIAM R. RATCHFORD,
Managers on the Part of the House.

JAMES A. MCCLURE,
TED STEVENS,
PAUL LAXALT,
JAKE GARN,
HARRISON SCHMITT,
THAD COCHRAN,
MARK ANDREWS,
WARREN RUDMAN,
ROBERT C. BYRD,
J. BENNETT JOHNSTON,
WALTER D. HUDDLESTON,
PATRICK J. LEAHY,
DENNIS DECONCINI,
QUENTIN N. BURDICK,
DALE BUMPERS,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FOLEY (at the request of Mr. WRIGHT), for today, on account of illness.

Mr. ROUSSELOT (at the request of Mr. MICHEL), for today, on account of official business.

Mr. STOKES (at the request of Mr. WRIGHT), after 5:25 p.m. today, on account of a necessary absence.

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. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. CARNEY, for 15 minutes, today.

Mr. PORTER for 15 minutes, today.

Mr. LATTA, for 60 minutes, December 18.

Mr. DORNAN of California, for 60 minutes, December 18.

(The following Members (at the request of Mr. MILLER of California), to revise and extend their remarks and include extraneous material:)

Mr. NELSON, for 5 minutes, today.

Mr. MAVROULES, for 5 minutes, today.

Mr. STARK, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. WILLIAM J. COYNE, for 15 minutes, today.

Mr. PANETTA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WHITEHURST, to revise and extend his remarks to be placed in RECORD immediately preceding vote on H.R. 5027.

Mr. DAN DANIEL, to insert a letter from President of the Virginia Farm Bureau Federation following Mr. DANIEL's remarks on the Hopkins amendment.

Mrs. HECKLER, to revise and extend her remarks during general debate on H.R. 7397.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. OXLEY in two instances.
Mr. GOODLING.
Mr. LAGOMARSINO.
Mr. SPENCE.
Mrs. SNOWE.
Mr. DANNEMEYER in two instances.
Mr. WILLIAMS OF OHIO.
Mr. WOLF.
Mr. PAUL in three instances.
Mr. MILLER of Ohio in five instances.
Mr. MOORHEAD.
Mr. MICHEL in two instances.
Mr. DAUB.
Mr. LIVINGSTON.
Mr. LUJAN.
Mr. WINN.
Mr. BURGENER.
Mr. RUDD.
Mr. MCGRATH.
Mr. ROBINSON.
Mr. DAUB in two instances.
Mr. LENT.
Mr. FIELDS in three instances.
Mr. COLLINS of Texas.
Mr. LOWERY of California in three instances.
Mr. CARMAN.
Mr. BROWN of Ohio in two instances.
Mr. TAUKE.
Ms. FIEDLER.
Mr. BEREUTER.

(The following Members (at the request of Mr. MILLER of California) and to include extraneous matter:)

Mr. JACOBS.
Mr. REUSS.
Mr. FAUNTROY in two instances.
Mr. LEVITAS in two instances.
Mr. RANGEL in two instances.
Mr. RODINO in two instances.
Mr. STARK in three instances.
Mr. HALL of Ohio.
Mr. CLAY.
Mr. JENKINS.
Mr. HAMILTON in five instances.
Mr. WASHINGTON.
Mr. APPLEGATE.
Mr. SKELTON in two instances.
Mr. HEFTEL in three instances.
Mr. MOTTL.
Mr. STOKES in two instances.
Mr. PEPPER.
Ms. FERRARO.
Mr. MINISH in two instances.
Mr. BARNES in five instances.
Mrs. COLLINS of Illinois.
Mr. WON PAT.
Mr. BONKER.
Mr. MCDONALD.
Mr. OTTINGER.
Mr. DINGELL in five instances.

Mr. ECKART.
Mrs. BOUQUARD.
Mr. BARNES.
Mr. ROE in three instances.
Mr. CORRADA.
Ms. OAKAR in three instances.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6204. An act to provide for appointment and authority of the Supreme Court Police, and for other purposes;

H.R. 7019. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1983, and for other purposes; and

H.R. 7072. An act making appropriations for Agriculture, Rural Development, and Related Agencies programs for the fiscal year ending September 30, 1983, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 823. An act to provide for the payment of losses incurred as a result of the ban on the use of the chemical tris in apparel, fabric, yarn, or fiber, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 3942. An act to amend the Commercial Fisheries Research and Development Act of 1964; and

H.R. 6758. An act to authorize the sale of defense articles to U.S. companies for incorporation to end items to be sold to friendly foreign countries.

ADJOURNMENT

Mr. MILLER of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 13 minutes a.m.) under its previous order, the House adjourned until today, Saturday, December 18, 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:

5304. A communication from the President of the United States, transmitting a request for a limitation increase for fiscal year 1983 for the Department of Housing and Urban Development (H. Doc. No. 97-270); to the Committee on Appropriations and ordered to be printed.

5305. A letter from the Secretary of Health and Human Services, transmitting two final reports of studies which examined Head Start costs, pursuant to section 651(c) of Public Law 97-31; to the Committee on Education and Labor.

5306. A letter from the Secretary of Health and Human Services, transmitting the third annual report on implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to section 308(b) of the act, as amended; to the Committee on Education and Labor.

5307. A letter from the Senior Director of Congressional Affairs, Amtrak, transmitting report of Amtrak's efforts to achieve greater efficiencies in management and labor practices in conjunction with representatives of labor and the American Association of Railroads, pursuant to section 1187(b) of Public Law 97-35; to the Committee on energy and Commerce.

5308. A letter from the Secretary of the Treasury, transmitting notice that the Federal old-age and survivors insurance trust fund borrowed from the Federal hospital insurance trust fund, pursuant to section 201(l)(4) of the Social Security Act, as amended; to the Committee on Ways and Means.

5309. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a determination of the Secretary of State not to transfer foreign assistance funds to cover amounts paid to owners of seized fishing vessels, pursuant to 86 Stat. 1182 and Executive order No. 11772; jointly, to the Committees on Foreign Affairs and Merchant Marine and Fisheries.

5310. A letter from the Comptroller General of the United States, transmitting a report examining the financial statements of the Panama Canal Commission for the years ended September 30, 1981 and 1982 (GAO/ID-83-14, November 22, 1982); jointly, to the Committees on Government Operations and Merchant Marine and Fisheries.

5311. A letter from the Acting Staff Director, U.S. Civil Rights Commission, transmitting a report on the education budget for fiscal year 1983, pursuant to section 104(c) of Public Law 85-315; jointly, to the Committees on the Judiciary and Education and Labor.

5312. A letter from the Deputy Assistant Secretary of the Interior, transmitting a draft of proposed legislation to vest the Secretary of the Interior with jurisdiction over certain statute of limitations claims, and for other purposes; jointly, to the Committees on the Judiciary and Interior and Insular Affairs.

5313. A letter from the Deputy Secretary of the Treasury, transmitting a draft of proposed legislation to authorize the Secretary of the Treasury to accept gifts and bequests for the purposes of the Department of the Treasury, and for other purposes; jointly, to the Committees on Ways and Means and Banking, Finance and Urban 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. BOLAND: Permanent Select Committee on Intelligence. Report on the activities of the Permanent Select Committee on Intelligence (Rept. No. 97-973). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOLAND: Permanent Select Committee on Intelligence. Report on implementation of the Foreign Intelligence Surveillance Act (Rept. No. 97-974). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUGHES: Committee of conference. Conference report on H.R. 6946 (Rept. No. 97-975). Ordered to be printed.

Mr. MITCHELL: Committee on Small Business. Report on small and minority business ownership in the cable television industry (Rept. No. 97-976). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 7336. A bill to make certain technical amendments to improve implementation of the Education Consolidation and Improvement Act of 1981; with an amendment (Rept. No. 97-977). Referred to the Committee of the Whole House on the State of the Union.

Mr. YATES: Committee of conference. Conference report on H.R. 7356 (Rept. No. 97-978). Ordered to be printed.

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. DE LA GARZA:

H.R. 7439. A bill to improve programs for the stabilization of agricultural prices and production and for other purposes; to the Committee on Agriculture.

By Mr. BARNARD:

H.R. 7440. A bill to make technical corrections to 12 U.S.C. 371c(c)(5); to the Committee on Banking, Finance and Urban Affairs.

By Mr. DERRICK:

H.R. 7441. A bill to modify the authority for the Richard B. Russell Dam and Lake project, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HEFTEL:

H.R. 7442. A bill to amend title 5, United States Code, to provide that disability retirement annuitants who recover from their disability be given reemployment and retention rights comparable to those provided to similarly situated persons under chapter 81 of such title; to the Committee on Post Office and Civil Service.

By Mr. NELLIGAN:

H.R. 7443. A bill to recognize the organization known as Veterans of the Vietnam War, Inc.; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 7444. A bill to amend the Internal Revenue Code of 1954 to provide that certified public accountants and enrolled agents may represent taxpayers in certain Tax Court cases involving $5,000 or less; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 7445. A bill to amend the Social Security Act to require State unemployment agencies to collect individual wage information on a quarterly basis, and for other pur-

poses; to the Committee on Ways and Means.

By Mr. GONZALEZ:

H.R. 7446. A bill to amend title 10, United States Code, to provide for improved control of excess profits on negotiated defense contracts; to the Committee on Armed Services.

By Mr. BREAUX (for himself, Mr. ALEXANDER, Mr. LONG of Louisiana, Mr. CHAPPIE, Mr. COELHO, Mr. DIXON, Mr. DOWDY, Mr. FAZIO, Mr. MATSUI, and Mr. HUCKABY):

H.J. Res. 634. Joint resolution to disapprove the governing international fishery agreement between the United States and Korea; to the Committee on Merchant Marine and Fisheries.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII.

Mr. HEFTEL introduced a bill (H.R. 7447) for the relief of Dorthy L. Yuen; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4897: Mr. OBERSTAR.

H.R. 6979: Mr. LELAND, Mr. TAUZIN, and Mr. WHITEHURST.

H.R. 7041: Mr. MCCURDY, Mrs. HALL of Indiana, Mr. HANSEN of Idaho, Mr. SENSENBRENNER, and Mr. MORRISON.

H.R. 7081: Mr. PEPPER, Mr. WOLPE, Mr. LONG of Maryland, Mr. CONYERS, Mr. WALGREN, Mr. KOGOVSEK, Mr. WEAVER, Mr. RATCHFORD, Mr. VENTO, Mr. D'AMOURS, Mr. EDGAR, Mr. DELLUMS, Mr. DASCHLE, Mr. LAFALCE, Mr. BEDELL, Mr. GINGRICH, and Mr. TAUKE.

H.R. 7122: Mr. CONTE and Mr. VANDER JAGT.

H.R. 7220: Mr. STUDDS.

H.R. 7373: Mr. SENSENBRENNER.

H.R. 7398: Mrs. FENWICK, Mr. LANTOS, Mr. STOKES, Mr. HARKIN, Mr. MARKEY, Mr. LAGOMARSINO, Mr. ROSENTHAL, and Ms. MIKULSKI.

H.J. Res. 591: Mr. GOODLING and Mr. MCCLORY.

H. Con. Res. 413: Mr. COATS, Mr. WILSON, Mr. MORRISON, Mr. LAGOMARSINO, Mr. EDGAR, and Mr. SIMON.

H. Con. Res. 429: Mr. FORSYTHE, Mr. HARTNETT, Mr. DERWINSKI, Mr. BARNES, Mr. HANSEN of Utah, Mr. BEILENSON, Mr. FROST, Mrs. COLLINS of Illinois, Mr. MARRIOTT, Mrs. FENWICK, Mr. NELSON, Mr. ERLENBORN, Mr. WALKER, Mr. MCCLORY, Mr. BINGHAM, Mr. SENSENBRENNER, Mr. CLINGER, Mr. DOUGHERTY, Mr. JAMES K. COYNE, Mr. LEHMAM, Mr. WHITEHURST, Mr. PRITCHARD, Mr. LANTOS, Mr. PORTER, Mr. ERDAHL, Ms. MIKULSKI, Mr. DANNEMEYER, Mr. SEIBERLING, Mrs. ROUKEMA, and Mr. BROOMFIELD.

H. Res. 532: Mr. KEMP, Mr. SCHEUER, Mr. MILLER of Ohio, Mr. FISH, Mr. BOLLING, Mr. PICKLE, Mr. REUSS, and Mr. HAWKINS.

H. Res. 606: Mrs. HALL of Indiana.

H. Res. 624: Mr. SEIBERLING, Mr. GUARINN, and Mr. STOKES.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

679. By the SPEAKER: Petition of the Common Council, Lockport, N.Y., relative to cable television franchises; to the Committee on Energy and Commerce.

680. Also, petition of the Board of Supervisors, Santa Clara County, Calif., relative to Federal user fees for highway/transit programs; jointly, to the Committees on Public Works and Transportation and Ways and Means.