HOUSE OF REPRESENTATIVES—*Thursday, June 2, 1983*

The House met at 10 a.m.

Rabbi Irving J. Block, D.D., the Brotherhood Synagogue, Congregation Beth Achim, New York, N.Y., offered the following prayer:

Almighty God who art the Creator of the universe and whose spirit guideth the destinies of nations.

Humbly we beseech Thee to bless the legislators of this House who seek through reason, faith, and deliberation to promote harmony and cooperation in our beloved and great land as well as among peoples everywhere.

Endow them with divine wisdom and a keen sense of responsibility to transmit the blessings of freedom and democracy to their fellow men, and to strive always for reconciliation and world peace.

Bless our Representatives, O Lord, with the ancient talmudic benediction, "May He who caused His name to dwell in this house, let dwell among you love, brotherhood, peace, and friendship." 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.

RABBI IRVING J. BLOCK

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

Mr. GREEN. Mr. Speaker, our guest chaplain this morning, Rabbi Irving J. Block, is the founder and rabbi of the Brotherhood Synagogue, established in 1954, and now located in a landmark building at 28 Gramercy Park South in New York City.

June 9 will mark the 30th anniversary of Rabbi Block's ordination. He has devoted his life to spreading the concept of religious brotherhood.

Rabbi Block has served on the board of directors of the Clergyman's Advisory Committee of the New York City Youth Board; as a national director of Religion in American Life; as grand chaplain of the New York State Masonic Order; as a director of the New York Family Court's Home Advisory and Service Council; with the antidrug addiction rehabilitative Training for Living organization; with the New York State Human Rights' Commission's Clergymen's Advisory Committee.

As a member of the Jewish War Veterans, I am proud of the fact that Rabbi Block is the Department of New York State chaplain, Jewish War Veterans and in 1982 was appointed national chaplain of the Jewish War Veterans of the United States.

Rabbi Block is here today with his wife, the former Dr. Phyllis Robinove, an editor and writer of French textbooks, and their son, Herbert, whom many Members will remember as a former House page.

We are fortunate to have had my friend, Rabbi Block, give the opening prayer today.

"BUY AMERICAN" AWARD GOES TO UNITED STATES STEEL

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

Mr. WISE. Mr. Speaker, a lot of us from areas hard hit by unemployment recognize the need to support products made in the United States. Major corporations sought tax breaks from Congress saying they would make themselves more competitive against foreign manufacturers.

Today I want to present the Buy American Award to United States Steel which is presently negotiating the purchase of 3½ million tons of British steel.

"A window of opportunity," United States Steel's board chairman called it at a meeting with the Congressional Steel Caucus not long ago.

Sure. Every bit as much an opportunity as the generous tax breaks extended to big steel to save the company, then squandered to buy a large oil company. To top it off, United States Steel then laid off 1,200 West Virginia coal miners who mined coal for the mills.

As a result of the British deal, steelworkers who took wage concessions to save their jobs are now faced with the prospect of losing them altogether.

And to think, this is the same steel company that filed dumping complaints against foreign competition. Now they are buying the very steel they complained about. All of a sudden they like subsidized foreign imports.

Mr. Speaker, the next time Congress considers massive tax breaks to help United States Steel, I hope we remember their example of economic patriotism.

CONGRESS MUST DECREASE FEDERAL SPENDING

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

Mr. MACK. Mr. Speaker, today we have before us the HUD appropriation bill. This bill would provide new budget authority of $54.2 billion. This is $9.5 billion above the administration's request, and $4.6 billion more than the fiscal year 1983 level. Basically there are two major concerns to keep in mind during deliberation on this bill.

First, the bills defers action on general revenue sharing and other pending authorizations. General revenue sharing has been a popular program with the Congress and State Governors. If last year's appropriation is the level for fiscal year 1984, an additional $4.6 billion in budget authority would be required, resulting in a total bill level that would be $14.1 billion above the administration's request.

Second, this bill exceeds the administration's housing request by $9.4 billion. While the committee is correct in pointing out that budget authority levels have decreased, one should also note that outlays have, nonetheless, increased over the same time period.

I hope my colleagues will keep these ideas in mind, as well as the fact that the country is facing $200 billion deficits unless we act to decrease, not increase, Federal spending.

TOWARD JEFFERSONIAN BIPARTISANSHIP

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

Mr. DREIER of California. Mr. Speaker, last week the Democratic National Committee's Telethon focused attention on our great former President Thomas Jefferson. While every quote of that great President could not have been used, there was the very famous quote that he delivered in his first inaugural address on March, 4, 1801, which I wish had been used. He said:

> My fellow citizens, a wise and frugal government shall restrain men from injuring one another and shall leave them otherwise free to regulate their own pursuits of industry and improvement and shall not take from the mouth of labor the bread it has earned.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. Speaker, if the Democratic Party would embrace that Jeffersonian philosophy as we address the problems of this country, there would be much more bipartisan solidarity.

GENERAL LEAVE

Mr. BOLAND. 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. 3133.

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

There was no objection.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT-INDEPENDENT AGENCIES APPROPRIATIONS, 1984

Mr. BOLAND. 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. 3133), making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Massachusetts (Mr. BOLAND).

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WIRTH. 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. 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 324, nays 2, not voting 106, as follows:

[Roll No. 146]

YEAS—324

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (TX)
Annunzio
Anthony
Archer
Aspin
Barnard
Barnes
Bartlett
Bateman
Bedell
Beilenson
Bennett
Bereuter
Bethune
Bevill
Biaggi
Biliraki
Bliley
Boehlert
Boland
Boner
Bonior
Borski
Bosco
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton
Campbell
Carper
Carr
Chandler
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Cooper
Corcoran
Coughlin
Courter
Coyne
Crane, Daniel
Crane, Philip
D'Amours
Daniel
Dannemeyer
Daschle
Davis
de la Garza
Dellums
DeWine
Dingell
Dixon
Dorgan
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fields
Fish
Flippo
Foley
Ford (TN)
Forsythe
Fowler
Franklin
Frenzel
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gore
Gramm
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Harrison
Hefner
Hertel
Hightower
Hiler
Hillis
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kasich
Kastenmeier
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Leland
Lent
Levin
Levitas
Lewis (FL)
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Lungren
Mack
MacKay
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McKernan
McKinney
McNulty
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moody
Moore
Moorhead
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Obey
Olin
Ortiz
Owens
Oxley
Packard
Parris
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Quillen
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roe
Roemer
Rogers
Rostenkowski
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Savage
Sawyer
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Shaw
Shelby
Shumway
Sikorski
Simon
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Spence
St Germain
Staggers
Stangeland
Stenholm
Stokes
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Valentine
Vandergriff
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (OH)
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki
Zschau

NAYS—2

McDonald
Solomon

NOT VOTING—106

Andrews (NC)
Applegate
AuCoin
Badham
Bates
Berman
Boggs
Bonker
Boucher
Byron
Carney
Chappell
Chappie
Cheney
Clay
Collins
Conte
Conyers
Craig
Crockett
Daub
Derrick
Dickinson
Dicks
Donnelly
Dowdy
Edgar
Edwards (AL)
Florio
Foglietta
Ford (MI)
Frank
Frost
Gibbons
Gradison
Gray
Hall (IN)
Hansen (ID)
Hansen (UT)
Harkin
Hartnett
Hatcher
Hawkins
Heftel
Holt
Hopkins
Howard
Hutto
Jones (TN)
Kazen
Kemp
Kennelly
Kolter
Kostmayer
Lehman (FL)
Levine
Lewis (CA)
Lipinski
Lloyd
Luken
Lundine
Madigan
Markey
Marlenee
Martinez
McCain
McDade
McHugh
Mica
Montgomery
Morrison (WA)
Nielson
Oberstar
Ottinger
Panetta
Pashayan
Price
Pritchard
Pursell
Rahall
Rodino
Rose
Sabo
Sharp
Shuster
Siljander
Sisisky
Smith, Denny
Solarz
Spratt
Stark
Stratton
Stump
Tauzin
Torres
Traxler
Udall
Vander Jagt
Vucanovich
Weber
Weiss
Williams (MT)
Wilson
Wylie
Young (AK)
Young (FL)

□ 1020

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. 3133, with Mr. LEVITAS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, June 1, 1983, the Clerk had read through line 3 on page 2.

Pursuant to House Resolution 211, it shall be in order to consider en bloc the amendments printed in the CONGRESSIONAL RECORD of May 25, 1983, by, and if offered by, Representative WIRTH, even if affecting portions of the bill which have not been read for amendment.

The Clerk will read.

□ 1030

The Clerk read as follows:

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z-1) is reduced in fiscal year 1984 by not more than $13,320,000 in uncommitted balances of authorizations provided for this purpose in appropriation Acts.

Mrs. SCHROEDER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, at this point I would like to talk about something that happened in my district this week and to discuss it with the distinguished chairman of the subcommittee.

This week, in my city of Denver, the city council passed a resolution trying to head off a court battle between the city agency of DURA, Denver Urban

Renewal Authority, and the Federal Government agency, HUD, over $20 million in contested funds from contracts and agreements made long ago. The resolution the city council passed said both sides should do everything possible to avoid court, and both sides should make every good-faith attempt to negotiate and come to a peaceful settlement.

The city council resolution was passed by a vote of 8 to 2. I hope the Congress also makes it clear we prefer both sides try to settle the issue rather than litigate it. I would like to ask the chairman of the subcommittee about this. I hope he agrees with local government's attempt to avoid court, too, if at all possible.

Mr. BOLAND. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the distinguished subcommittee chairman.

Mr. BOLAND. Mr. Chairman, I am delighted to agree with the position taken by the gentlewoman from Colorado. I, too, would hope that the issue raised by the gentlewoman from Colorado can be settled out of court and there can be agreement, between the Denver Urban Renewal Authority and the Department of Housing and Urban Development, which is in concert with the resolution passed by the Denver City Council.

Mr. GREEN. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I am delighted to yield to the ranking minority member of the subcommittee.

Mr. GREEN. Mr. Chairman, I would simply like to say that I share our distinguished chairman's sentiments on this issue. Obviously, if this matter, which has been dragging on, can be resolved without long delays and without litigation, it would be to everyone's best interests.

Mrs. SCHROEDER. Mr. Chairman, I thank both the subcommittee chairman and the ranking minority member, because we all know how precious dollars are in the housing area and how much housing is needed. The last thing the country needs is more litigation, and I hope that both sides can come to an agreement promptly and save the costs and delays of protracted legal actions.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

FEDERAL HOUSING ADMINISTRATION FUND

For payment to cover losses, not otherwise provided for, sustained by the Special Risk Insurance Fund and General Insurance Fund as authorized by the National Housing Act, as amended (12 U.S.C. 1715z-3(b) and 1735c(f)), $252,974,000, to remain available until expended.

During 1984, within the resources available, gross obligations for direct loans are authorized in such amounts as may be necessary to carry out the purposes of the National Housing Act, as amended.

During 1984, additional commitments to guarantee loans to carry out the purposes of the National Housing Act, as amended, shall not exceed $45,900,000,000 of loan principal.

During fiscal year 1984, gross obligations for direct loans of not to exceed $56,390,000 are authorized for payments under section 230(a) of the National Housing Act, as amended, from the insurance fund chargeable for benefits on the mortgage covering the property to which the payments made relate, and payments in connection with such obligations are hereby approved.

Mr. GONZALEZ. Mr. Chairman, I rise because I am extremely concerned that in addressing the proposed TMAP, the temporary mortgage assistance program regulations, the Appropriations Committee's report could be used and I think, intended or not, is likely to be used to undercut the efforts of the Federal court that has the responsibility for overseeing the implementation of the assignment and the TMAP programs.

I regret that the Appropriations Committee is attempting to distort the legislative history that was established in 1980 by the Banking Committee. This is an attempt on the part of the Appropriations Committee to invade the authorization committee's domain. Usually it is the other way around.

Indeed, I am concerned that the language in the report could have a very negative effect on the pending court action.

Speaking on behalf of the authorizing committee that created the temporary mortgage assistance program in 1980, I would like to reemphasize the principles we established at that time.

The TMAP program was created solely to provide an alternative method that would be less costly to the Federal Government than the assignment program because with TMAP, the whole mortgage would not have to be paid off and the Federal Government would not have to become the mortgagee prior to providing assistance to the mortgagor.

When the TMAP legislation was drafted and agreed to in conference, the Banking Committee was fully aware of the amended stipulation affecting the Ferrell case and the assignment program that was agreed to in 1979. The legislation was drafted to assure the TMAP program would follow the principles established in that case and in the amended stipulation. There is no question that it was intended that homeowners be provided the same kind of assistance through the TMAP program that is available through the assignment program. In addition, the TMAP program was to be offered as an alternative to, but not a replacement for, the assignment program. Indeed, there may be circumstances when assignment may be preferable to TMAP.

It is distressing, to me, and to many members of the Banking Committee, that HUD has not done enough recently to expand the use of the assignment program during these troubled economic times. As a matter of fact, HUD is premeditatedly cruel and cold hearted and in obvious disregard of congressional intent embodied in these programs passed after big debate by the Congress. It is also distressing that, instead of modifying the TMAP regulations quickly to bring them in compliance with the standards of the assignment program, as the legislation originally intended and as the court has so recently so directed, HUD is appealing the decision and thereby assuring the TMAP program will be further delayed.

These are difficult times, particularly for families that have lost their jobs and are threatened with loss of their homes. Perhaps my colleagues, surrounded in luxurious comfort, may not be aware of how too many Americans and their families are facing the prospect of absolute homelessness, even now, much less homeownership and their ability to continue homeownership. I beg my colleagues to transcend our environment. I do not think there is a Member in this House who has ever had anything short of luxurious housing. Let me tell you, there are Americans right now who are being thrown out into the streets and who are losing their homes throughout our land, not just in isolated corners of the country. It is no different than the mud slide in our Western States, where we can read in comfort about it here but it does not diminish the acute distress to those Americans. And I do not think we ought to turn our backs and do it cruelly and coldly and allow the Appropriations Committee to further implement the subversion of congressional programs and intent so blatant that the courts themselves have indicted HUD. The language of the Chicago court recently was plain and clear an indictment of HUD's cold, deliberate thwarting and contravening of plain congressional intent.

The CHAIRMAN. The time of the gentleman from Texas (Mr. GONZALEZ) has expired.

(By unanimous consent, Mr. GONZALEZ was allowed to proceed for 2 additional minutes.)

Mr. GONZALEZ. In fiscal year 1982, 27,260 families applied for the assignment program; only 3,800 were accepted, and approximately 19,700 FHA-insured homes were lost through foreclosure.

Any Member who has been in touch with constituents in the category will know that these are not American families trying to cheat the taxpayer or the government of our country. They are just plain American families that, through years, have maintained their payments and are dying to continue to have the opportunity to do so but, through no fault of their own—in

fact, because of the very policies of this Congress in the last 2 years—do not have employment. The record of abysmal turning back on the part of HUD must be compelled to be changed.

I am hopeful that the recent memorandum issued by HUD, which clarifies the basis upon which a recently unemployed mortgagor will be determined to have a reasonable prospect for repaying this mortgage in full, will result in more families receiving help. This recent trend happened only after we passed the Home Mortgage Relief Assistance Act a couple of weeks ago. I would like to see the Department take many more such steps, including bringing the TMAP regulations into compliance with the statutes and the amended stipulations. I say it is time we in Congress stop this needless crucification of many Americans on the false altar of a false ideology, of sleazy economics and programs that have plainly not worked in 2 years and are even resulting in the monstrous—the monstrous—deficit that no government in history has ever had to confront as we have now.

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

Mr. Chairman, I am sorely tempted to speak against the HUD-independent agencies appropriation bill for fiscal year 1984. No one is more committed to the functions that these programs perform than myself. While I congratulate the Appropriations Committee and its distinguished chairman for its expeditious consideration of this measure, I regret that the House has not yet had an opportunity to consider H.R. 1, the housing authorization bill, which has been reported by the Committee on Banking, Finance and Urban Affairs.

The Housing Subcommittee and Banking Committee worked on the authorizing bill diligently.

Our bill was submitted within budget and well before the May 15 deadline.

Despite this, a regrettable scheduling arrangement has caused the appropriations measure to be considered before the authorizing bill.

It is my hope that significant initiatives contained in H.R. 1 will be accommodated in future appropriation negotiations and that courteous and thoughtful consideration will be given to H.R. 1, not only by the Appropriations Committee members but by the full House.

It is extremely important that the will of this body as reflected in the pending floor deliberations on H.R. 1 be taken into full consideration.

I applaud the Appropriations Committee for recognizing the impact of the deep cuts in assisted housing over the last 2 years by restoring funding to more appropriate levels. I also fully concur with the committee's considerable reservations about the administration's proposed voucher program. It is unfortunate, however, that the logical outcome of this reasoning did not extend to excluding funding for this program.

Mr. Chairman, I have reservations about this appropriation bill. I grudgingly support its passage only with serious reservations. I hope the future opportunities will present themselves for the authorizing committee to have its bill moved with dispatch and with the thoughtful consideration of the entire House.

● Mr. BOLAND. Mr. Chairman, the gentleman from Texas (Mr. GONZALEZ) has referred to language in the committee's report regarding the temporary mortgage assistance payments (TMAP) program. The TMAP program was authorized in 1980 to prevent further acquisition of single-family mortgages by helping those homeowners who have experienced temporary financial problems and cannot meet monthly mortgage payments. The program was expected to reduce outlays from the FHA fund by precluding the necessity of an insurance claim resulting from mortgage assignment or foreclosure.

It is distressing that 3 years after TMAP was authorized, the program has not been implemented. That is why the language was included in the committee's report.

The Department and the District Court of Chicago are in disagreement on few points in the program regulations. The desire of the committee is that the TMAP program be implemented as quickly as possible.

What is clear is that if both sides maintain their respective positions, additional outlays will be made from the FHA fund. More importantly, homeowners in default will not receive this important assistance.●

Mr. WYDEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the distinguished chairman of the subcommittee in a very brief colloquy on the subject of shared housing for the elderly. The chairman's leadership in this field is well known, and I think that shared housing for the elderly is a concept, Mr. Chairman, that has a great deal of potential. Under the leadership of Chairman ROYBAL, we have studied it on the Aging Committee.

The evidence seems to indicate that the cost of shared-housing arrangements for the elderly is only about a third of what traditional housing arrangements cost. I think this would be an ideal kind of cost saving effort for us to look at while at the same time expanding housing options for senior citizens in this country. One way to do it would be to make these kinds of shared-housing arrangements eligible for funding under the section 8 program. This could be done without any increase in funding.

I would just like to ask the distinguished subcommittee chairman if at some point along the way we might be able to work out this kind of cost saving approach that could serve the elderly.

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

Mr. WYDEN. I am happy to yield to the subcommittee chairman.

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

I know that the gentleman from Oregon (Mr. WYDEN) has placed a great deal of emphasis on what he considers a very important concept with respect to housing for the elderly.

The shared housing concept is a particular area that needs to be addressed, and I think the gentleman has raised a very critical point in this area. It could be an important concept, and it is an approach, through the use of existing section 8 funds, that might be very helpful. My judgment would be that it could be very helpful.

Mr. Chairman, I appreciate the gentleman's comments, and I want to assure him that we will consider funding this kind of a concept pending Senate action on this bill, the HUD bill, and also pending action by the authorizing committee, of course. It is a program that is not authorized at this time, and I would welcome its being authorized. At that point in time, speaking for myself and, I am sure, for some of the other members of this subcommittee, we would give it the consideration that would bring this particular concept into being.

Mr. WYDEN. Mr. Chairman, I am grateful to the chairman of the subcommittee, and I want to express my thanks to him for his help on this and many other matters pending in the House.

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

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

Mr. GREEN. Mr. Chairman, I commend the gentleman from Oregon (Mr. WYDEN) for raising this issue on the floor and in the committee today.

As the gentleman knows, there has been some concern expressed in the House about a situation where we are legislating on appropriation bills, and for that reason I think this subcommittee has been reluctant to undertake major housing initiatives of the sort the gentleman is suggesting, particularly at a time when the authorizing committee is in the process of developing and bringing to the floor a major housing bill. However, it certainly is an area that ought to be explored in terms of more efficient serv-

ices for the elderly in our housing programs.

Mr. WYDEN. Mr. Chairman, I want to thank the gentleman from New York (Mr. GREEN) for his consideration as well.

As I say, my interest in this is to point out that it is not very often that we can come up with a way to serve older people and make them more comfortable and at the same time save money. I appreciate the gentleman's willingness to work with me on this, and hopefully we will be able to get this enacted into law this year.

The CHAIRMAN. The Clerk will read.

□ 1040

The Clerk read as follows:

ENVIRONMENTAL PROTECTION AGENCY

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS-18; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; and not to exceed $3,000 for official reception and representation expenses; $567,889,000: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery Panels established under section 2003 of the Resource Conservation and recovery Act, as amended (42 U.S.C. 6913).

RESEARCH AND DEVELOPMENT

For research and development activities, $142,000,000, to remain available until September 30, 1985.

ABATEMENT, CONTROL, AND COMPLIANCE

For abatement, control, and compliance activities, $370,375,000, to remain available until September 30, 1985: *Provided*, That none of these funds may be expended for purposes of Resource Conservation and Recovery panels established under section 2003 of the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6913), or for support to State, regional, local and interstate agencies in accordance with subtitle D of the Solid Waste Disposal Act, as amended, other than section 4008(a)(2) or 4009.

AMENDMENTS OFFERED BY MR. WIRTH

Mr. WIRTH. Mr. Chairman, I offer several amendments.

The Clerk read as follows:

Amendments offered by Mr. WIRTH: Page 14, line 16, strike "$567,889,000" and insert in lieu thereof "$612,889,000".

Page 14, line 22, strike "$142,000,000" and insert in lieu thereof "$165,600,000".

Page 15, line 3, strike "$370,375,000" and insert in lieu thereof "$521,511,000".

The CHAIRMAN. The Chair would inquire whether the amendments just read are the amendments offered en bloc which were made in order by the rule?

Mr. WIRTH. Mr. Chairman, they are. These are the three amendments made in order under the rule to be offered en bloc.

Mr. Chairman, very briefly, in summary, before discussing this in greater detail, the purpose of this amendment is to bring the level of EPA funding up to the 1981 level of funding. EPA has been, over the last 2½ years, dramatically cut and the amendments I offer seek to close that chapter in the life of a Federal agency that this House opened nearly a year ago.

Over that period subcommittees of the House have extensively investigated the practices and policies of the Environmental Protection Agency since 1981. The result has been a score of resignations at the highest levels of the Agency, repeated serious blows to the moral of EPA staff, and an agency which has devoted more than a year to defending itself rather than being able to carry out the mandate which the Congress created for it.

I do not wish to review today that long history complied in the records of House subcommittees regarding allegations of misdeeds. This is not the issue here.

What is at issue are the budget policies pursued by the former administrator and her staff. But they are not only the budget policies of an EPA adminstration Members of this House have roundly criticized. They are our own budget policies for that agency. For 2 years the House has acquiesced in massive, severe budget cuts at the EPA. These cuts are a prime reason why the agency cannot today protect the American public from polluted air, contaminated water, toxic chemicals and hazardous wastes.

Mr. Chairman, I offer this amendment in the belief that it is time for this House to step away from the role of critic of the EPA and to begin to play a responsible role in rebuilding it.

My amendment would seek to restore to the EPA operating budget a fraction of the resources which have been stripped away over the last 3 fiscal years. The amendment would restore funds to the three basic accounts of the EPA operating budget; salaries and expenses; research and development; and abatement, control and compliance.

To summarize briefly, almost a third of the EPA staff has been let go since 1981. The agency is critically short of personnel in almost every field.

The regional offices, for example, have begged for inspectors for the thousands of active hazardous waste sites nationwide—inspections that this Congress mandated under the Resource Conservation and Recovery Act in 1976.

We have seen a 2-year drain of key scientific personnel at the EPA. The staff of the EPA over the last 3 years has been cut by practically a third, by over 3,000 positions. The regional offices are begging for inspectors for the thousands of hazardous waste sites. We have lost scores and scores of scientists, the kind of talent that is necessary if we are to pick up the responsibility, for example, of understanding and furthering the acid rain issue.

Area after area within the EPA has been cut dramatically. In the area of research and development, perhaps the most hard hit, 53 percent of the EPA research budget has been cut. That massive decline in the R&D account from $254 million to $119 million over a 2-year period of time is in-house, for the most part, or intramural research carried in the salaries and expenses account.

This drastic reduction, more than 53 percent in the R&D account, jeopardizes not only current environmental protection efforts, but our children's future.

The Agency cannot issue sound regulations without adequate research funding progress, and pollution control technology in industry after industry will be hobbled. R&D funding by industry in the United States has declined in recent years, parallel to the decline in EPA, as the private sector sees the public sector is not serious about the business of going about the business of basic research on the increasing number of environmental problems we are coming to understand.

In virtually every area, each one of the areas I have touched upon, subcommittees of the House have uncovered serious evidence of lack of resources available to the EPA to do their job. This goes on.

We have found that over and over and over again. It is time for us to join with Mr. Ruckelshaus in the strengthening of the EPA.

The argument has been made in opposition to the amendment, and the argument will be made that the committee has already added significant amounts of money. But significant amounts of money to what? Significant amounts of money to the ravaged budget that Ms. Gorsuch proposed for the EPA, a dramatic cut that nobody in this House took seriously.

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

(By unanimous consent Mr. WIRTH was allowed to proceed for 2 additional minutes.)

Mr. WIRTH. Mr. Chairman, ravages in a budget proposed by Ms. Gorsuch which nobody, I believe, in this House took seriously. The appropriation offered by the Appropriations Committee on a budget of approximately a little over a billion dollars adds a grand total of $40 million.

What this amendment does is to bring the EPA budget in nominal dollars, not 1981 dollars, but today's dollars, up to the 1981 level which is

bringing it back to where we were in 1981.

Why? Because we have seen the extraordinary needs at the EPA, the fact that this country supports and wants the Environmental Protection Agency to be an effective agency and the fact that we have research issue after research issue.

Probably the best example of all is the issue of acid rain.

We saw, for example, most recently in New England the fact that many utility companies, seeing the fact that the research going on that they had funded may be damaging to their interests, and was certainly damaging to the environment, are pulling out of a better understanding about what we can do related to acid rain. We must pick up that burden and continue the effort on acid rain, not only in New England but all over the country.

It is our responsibility in this House, House Members on the Republican side and the Democratic side, to meet our commitment to the kind of clean environment that the American people want on behalf of their own health and safety. This is going to happen.

Mr. Ruckelshaus has made it very clear that he is going to ask for more money. The other body has put this money in on that side, and let us do it on this side and make sure that the House is on the record also supporting health and safety for the American people in the EPA.

Mr. McCLOSKEY. Mr. Chairman, I move to strike the requisite number of words and I rise today in support of the amendment offered by the distinguished gentleman from Colorado (Mr. WIRTH).

I would like to say that in a time of massive, increasing environmental problems, this is no time to cut back the enforcement capabilities of the EPA.

I hail from Indiana and I have about 11 or 12 years of experience as a mayor in a community which is constantly being besieged by toxic waste problems.

□ 1050

It would seem not a month goes by that there is not a new toxic waste dump discovered in the Monroe County, Ind., area and to think that the gentleman from Colorado is taking the lead in proposing a measure of this sort is so important to all 50 States of the Union. Each of our environmental laws, the Clean Air Act, Clean Water Act, Resources Conservation Recovery Act, Federal Insecticide, Fungicide and Rodenticide Act, delegates major responsibilities to the States. But does so within the context of setting Federal standards that the States must meet because we have learned through hard experience that pollution control is a national issue that must be dealt with nationally.

Industry cannot comply with 50 different clean air standards, 50 different water standards, and 50 different hazardous waste standards in 50 different States. Pollution from one State may affect not only that State but the people across the border in adjoining States, and the States cannot be expected to maintain the research facilities and technical staff necessary for efficient regulation. Therefore, responsibility has been delegated to the States for carrying out environmental policies that are clearly national in scope.

It is critical that if we ask the States to do such programs we help to provide the resources for these programs. We all know that State governments are facing an economic crunch of enormous magnitude. The States cannot carry out the responsibilities they have, let alone assume new responsibilities unless the EPA provides additional support for the State environmental programs.

The Wirth amendment will provide $65 million in additional grants to the States to carry out air, water, and hazardous waste programs.

Those funds are essential if we are serious about delegating responsibility for these programs to the States.

The National Governors Association recently reported that the reduction in the EPA State grants program would require curtailment in a number of environmental protection activities by a level at least proportionate to the reduction in Federal support.

Because States may still be required to respond to Federal mandatory requirements, the activities most likely to be curtailed by the States include resource-intensive activities, such as monitoring of ambient pollution levels, monitoring of compliance by emission sources, permitting technical support, and enforcement in all environmental media.

Grants to the States have been reduced substantially in real terms and the States have been forced to reduce their commitment to environmental pollution control programs. If we are to make a new beginning now we must join hands with the State and local governments and assure that adequate resources are available to them to make that new beginning a cooperative venture.

In conclusion I would like to say, Mr. Chairman, that it is very important that we give Mr. Ruckelshaus, who is likely to have a distinguished record, all reasonable financial resources to accomplish his worthy mission.

I thank the Chair.

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

Ms. OAKAR. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHNEIDER. I yield to the gentlewoman from Ohio.

Ms. OAKAR. I thank my friend for yielding.

Mr. Chairman, I also want to support the gentlewoman's recommendation that we approve this amendment.

I would like to put in the RECORD a letter that the AFL-CIO has sent to our chairman and I just want to briefly read one line from it.

It says:

We strongly support your amendment to the Appropriations Committee bill for HUD and independent agencies that will return EPA's operating budget to its fiscal year 1981 level of $1.3 billion.

At a time when we urgently need more information to make rational environmental control decisions, it is irrational to reduce research and development.

And then goes on to indicate that this amendment is especially important to those who suffer risk in the workplace and I thank my colleague for yielding.

The letter follows:

INDUSTRIAL UNION DEPARTMENT, AFL-CIO,
Washington, D.C., May 31, 1983.

Hon. TIMOTHY E. WIRTH,
House of Representatives,
Washington, D.C.

DEAR TIM: We strongly support your amendment to the appropriations committee bill for HUD and independent agencies that will return EPA's operating budget to its fiscal year 1981 level of $1.3 billion.

At a time when we urgently need more information to make rational environmental control decisions, it is irrational to reduce research and development.

The Toxic Substances Control Act—passed only after years of struggle by a coalition of labor and environmental organizations—has provisions important to the reduction of risk in the workplace. The Act is not being properly implemented: Key enforcement provisions are being ignored. Hopefully, the policies that led to this rejection of a congressional mandate will change. But policies without funds are meaningless gestures.

The Noise Control program needs to be restored. Normal hearing is not a luxury. It is necessary for efficiency and safety in the workplace. This program was one of the first to be destroyed by the Burford administration. It should be the first to be restored by Mr. Ruckelshaus.

EPA's work in the field of ionizing and non-ionizing radiation has taken crippling setbacks. It will take millions of dollars to return the program to even its pre-Reagan miniscule size.

These are some examples of EPA programs of special concern to workers and their families. We urge you to ignore those whose vision extends only to the end of a fiscal year. The future of our nation—its economic vitality, security, and the American quality of life—depends on our ability to manage the environment of the community and the workplace.

Sincerely,

HOWARD D. SAMUEL,
President,
Industrial Union Department.

Mrs. SCHNEIDER. Mr. Chairman, I rise in strong support of the Wirth amendment, and it is obvious why we need it.

A recent CBO analysis had come forward indicating that EPA's operating budget had decreased by 44 percent in real dollars since 1981 and at a time when the Agency's responsibilities, particularly in the area of hazardous wastes, are increasing. I think it is imperative we act today on the Wirth amendment.

What has been the impact of these decreases has already been stated. The 53-percent cut in R&D has been significant. As a member of the Committee on Science and Technology I can attest to that.

I think for starters the Agency is not really developing the environmental data base that the Congress needs to make statutory decisions.

The American Chemical Society had recently stated, in amplifying the point that the data base simply is not there,

> A lack of fundamental information is the major reason the agency has failed to meet some of the regulatory deadlines established by the Congress.

The other point to make is that not only is the R&D money not available, but a second problem seems to be the Agency's lack of resources to meet the regulatory deadlines established by this Congress. Those deadlines have since become meaningless.

So, the subcommittee bill essentially holds the spending cuts in place, until Mr. Ruckelshaus can submit a supplemental appropriations request.

There is no question all of us want to support Mr. Ruckelshaus in his stewardship at EPA. I am confident he will submit a realistic budget request for EPA. But in the meantime it is imperative that we keep in mind two things: First of all, Mr. Ruckelshaus has not endorsed, I repeat, he has not endorsed the subcommittee's EPA budget. Second, he has not specifically opposed the Wirth amendment.

So, I think Mr. Ruckelshaus when he does submit his request I am quite confident it will be accepted by the House and Senate conferees, but in the meantime the Wirth amendment is our first opportunity to vote for the reconstruction of the EPA.

I would like to leave my colleagues with an adage particularly pertinent to the Wirth amendment, that is for us not to put off for tomorrow what we can accomplish today.

I yield back the balance of my time.

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

Mr. Chairman, I rise in support of the amendment offered by the gentleman from Colorado (Mr. WIRTH).

This amendment would increase the fiscal year 1984 appropriation for EPA operating programs by $219.7 million, from $1.08 billion now provided in H.R. 3133 to $1.3 billion. Of this increase, $23.6 million would be added for EPA research and development activities performed through contracts and grants. The amendment simply restores research and development funding levels to the 1982 levels.

Mr. Chairman, George Santayana once observed that "those who cannot remember the past are condemned to repeat it." I can think of no better words for the Members of the House to keep in mind as we vote on this issue. In many ways, this will be one of the most important environmental votes the Members will have to cast this year.

We have witnessed the decimation and systematic degradation of the mission of the EPA—which is to protect the health and environment of the American people.

It would be easy, as some have suggested, to blame all this on the now-departed and largely unlamented former Administrator and her colleagues, who so badly mismanaged the Agency that it took six congressional committees using six sledge hammers 6 months to begin the Protection Agency. The problem faced by the American people is far greater and far more complex than the poor judgment of a group of political hand-maidens to America's corporate polluters. These political appointees needed help. And they got it from an administration eager to cater to the polluters.

They got their help in the form of major cutbacks in funding for all levels of EPA activities. It was not enough that those in charge of the Agency subverted it from within by withholding or delaying cleanup activities. The administration carried its attack on a clean environment a step further by cutting EPA's budget to the point where even dedicated employees were unable to do the job the American people count on them to perform.

No area in the Environmental Protection Agency's budget has been cut more ruthlessly and more recklessly than funds for research and development. The administration's request for 1984 funding represents a cut of 53 percent over what we funded the Agency for in 1981.

Does anyone seriously think that we have so cleverly handled our environmental problems that the vital long range research needed can be cut by more than half?

The fact is that the Office of Management and Budget and the Reagan administration policymakers decided that one of the ways to assist the corporate polluters of America would be to cripple the Agency's ability to identify long-term problems and plan cost-effective, science-based solutions. For the President simply to appoint a man of personal integrity like William Ruckelshaus to direct EPA will not, in and of itself, solve all of its problems. Unless we give EPA the tools—the money and the personnel—to do the job, all the good public relations intentions in the world won't accomplish anything.

Mr. Chairman, it is frequently said that knowledge is power. That is particularly true in the area of scientific knowledge, particularly scientific knowledge that relates to the environment.

The American people certainly do not want less environmental protection. Time after time, in one national poll after another, the American people have expressed themselves solidly behind strengthening the integrity and capabilities of the EPA to protect their health and environment.

The American people want more research on the problems of acid rain.

The American people want more research done on cleaning up the water we drink, the air we breathe, and the land on which we live and plant our crops.

The American people want more done in research solutions to the problems posed by our need to dispose of deadly toxic wastes safely and economically.

We are in a catch-22 situation. When we come to the various committees of the Congress that wish to establish sane, cost-effective environmental regulations and laws, we are told by industry and by administration spokesmen that we do not know enough. But yet when we come to set realistic research budget funding levels we are told that that is too much.

We are told: Do not set a level of adequate research funding that would give us the knowledge to impose realistic, cost-effective, sensible environmental restraints on all of us—on industry and the public alike.

Is it not ironic that the Chemical Manufacturers Association and the Environmental Defense Fund recently joined forces to sue EPA and force it to do the necessary basic research that Government must have in order to set sensible, cost-effective environmental standards by which industry can plan its long-term investments in new plants and equipment?

□ 1100

To us in Congress, is it not ironic the two ends of the spectrum should join together in saying, "EPA, you don't know enough to do your job. You don't know enough to protect the health of the American people and we have joined forces, spokesmen for industry and spokesmen for the environment and health of the American people, in telling you to get off your duffs and do the job so that you have the knowledge to help industry make intelligent decisions that will not be wasteful, that will not be silly, that

will not add on unnecessary burdens to an industry; that we want to be competitive, that we want to compete effectively in global commerce, but we also want to make the necessary changes in the ways of doing business that will protect the health and environment of the American people."

In today's New York Times, Thursday, June 2, a headline, "Dow Announces Program To Allay Fear on Dioxin."

They announced a research and public relations program to allay concern about dioxin contamination. The press release is dated Midland, Mich.; yes, Midland, Mich. That is the plant that is spewing dioxin into the Tittabawassee River every day, we know not how much because the Dow Chemical Co., in its infinite wisdom, and its infinite sense of corporate morality and responsibility, will not allow Federal scientists to come into their plant and to inspect and analyze what they are spewing into the river and the degree to which it is toxic.

Now we do not know how toxic dioxin is because we have not done the research. We do know that it is deadly toxic to laboratory animals, we do know that one-tenth of one drop of dioxin in an olympic swimming pool makes it deadly toxic for laboratory animals, we do know that it is 150 times more toxic than the next most toxic chemical mankind has ever produced; namely, cyanide, but we do not know what are the tolerable levels of dioxin. We think it is one part per quadrabillion. It is in the area of a quadrabillion.

Mr. Chairman, I urge my colleagues to support this amendment which will raise the level of funding for R&D in 1984 to the same level at which we funded this research in 1982.

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

Mr. Chairman, I rise in support of the Wirth amendment.

A great deal of attention has been focused throughout the past year on the problems at the Environmental Protection Agency and indeed, there have been many issues raised during the course of our debates in congressional hearings. There has been talk about mismanagement that occurred and indeed, I think that was the case. There has been talk about abuse by generators of hazardous wastes. There has been talk about the fortunes that have been expended to clean up. There have been charges of sweetheart deals and indeed, political manipulations.

But very, very little attention has been given to the question of enforcement and prevention. It is in these areas where we must make greater efforts and where EPA must have adequate funding. The amendments we are considering are a step in this direction.

Allow me to give just a few examples of what it has cost this country because inadequate funding has been allocated to enforcement and prevention.

We all know about Love Canal. It has received a great deal of publicity over the years. It would have cost, by some estimates, less than $2 million in 1979 dollars to prevent that occurrence. Right now, there has been over $36 million spent so far at Love Canal and the estimates for remedial and cleanup work alone run over $100 million.

Hopewell, Va. The Life Sciences Plant in Hopewell could have safely produced kepone at a cost of about $200,000. To date, the cleanup costs total about $12 million and are still going up.

Stringfellow in California, the acid pits. The likely costs for proper treatment would have amounted to about 20 cents per gallon or about $6 million. They are now estimating the cleanup costs between $40 and $60 million, a remedial cost 10 times as great as the cost of prevention.

Times Beach, Mo., one that has been in the media a lot lately. It would have cost that generator less than $100,000 to legally dispose of the dioxin at that plant. We know they spent over $30 million in a buyout. Now we are told the total cost of cleanup at Times Beach will be in excess of $100 million.

I could go on and on with comparison figures of what it would cost to legally dispose of toxic and hazardous substances and what it is going to cost today and in the future. I want to emphasize that none of those figures take into consideration the medical costs, the personal property costs, and if we want to talk in the most dramatic of terms, the number of lives that have been and are going to be lost in the future.

Are we going to sit back and say that we have budgetary restraints and we are going to permit a cut from 1981 to today of 45 percent, as the administration would request, or of 31 percent as the committee bill mandates in the areas of abatement control and compliance? Is there any Member of Congress who is willing to say that the fiscal year 1981 figures, which this amendment still does not fully restore, were enough to do the job? I doubt that very much.

I share the views of the previous speakers that we have a new Administrator in there who is very competent and capable to do the job. However, Mr. Chairman, if we do not give him the funds to do that job, then we cannot expect the results that we have been demanding for the last couple of years.

□ 1110

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

Mr. Chairman, in behalf of the gentleman from New Jersey (Mr. FLORIO) and myself, I rise in support of the Wirth amendment.

One of EPA's most important responsibilities is to protect the public health from hazardous air pollutants, pollutants that can cause cancer, genetic damage, and other very serious illnesses. Yet every day millions of Americans must breathe at home and in their workplaces unregulated pollutants that are seriously suspected of causing cancer. Studies have shown that as many as 1 in 5 cases of lung cancer, up to 20,000 each year, could be prevented by better control of these dangerous air pollutants.

Yet in just 12 years the EPA has established hazardous air pollutant standards under the Clean Air Act for only four pollutants. Three other pollutants have been officially listed as hazardous but still are yet uncontrolled. EPA must do more. At this rate of one standard every 3 years, EPA will be long in catching up.

Resources for setting these pollutant standards have been cut consistently the last two budgets. The time for this must come to a halt. An internal budget analysis concluded that only a modest increase is indeed needed to address this most egregious of situations—eight additional full-time employees in fiscal year 1983 and three more in fiscal year 1984 at an additional cost of approximately $1 million. We must give the EPA the resources to do that which we cause them to effect, that is, protect the public health. We cannot let the health of millions of Americans remain at risk because of the failure of our Congress to make the necessary financial commitment to protect the Nation's health.

Being penny-wise and pound-foolish in the area of health contaminants is abhorrent to me and to the gentleman from New Jersey (Mr. FLORIO).

Mr. Ruckelshaus brings to his task a fine record and an outstanding sense of commitment. Let us give him the tools to do the kind of job that we know needs to be done. Support the Wirth amendment. The health of our Nation and its citizens depends upon it.

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

Mr. Chairman, in business circles it is often said that "you have to spend money to make money." Sometimes this idea has analogies in Government too. That is why I rise to support the amendment of the gentleman from

Colorado to increase the appropriation for the Environmental Protection Agency.

Let me give some examples related to air pollution control. In the past several years the EPA has developed something called the bubble policy. Basically, its a simple idea. A bureaucrat may decide that all the stacks in an industrial plant should clean up the same amount, even though the owner may know that some are much less expensive to clean up than others. The bubble policy is an invitation to business people to proposed a more cost-effective cleanup alternative. Society can save money, and still get the same health protection.

But there is a catch. It takes more Government resources to oversee a bubble policy—to make sure that bubbles do not become licenses to pollute. And lately, there has not been enough funding for Government.

The result is that a good idea—an idea that can give us less expensive health protection—is in danger of becoming tainted permanently. I do not want to see that. I support more efficient pollution control. I think we need to invest the money we need to get us the savings offered by the bubble policy.

Mr. Chairman, there are other ways in which small increases in today's funds for EPA can pay big dividends in the future. For example, I think we need to fund more research into ways we can use our Nation's abundant resources of high sulfur coal without sacrificing the quality of our air. This gentleman at least does not want to have to choose between these important national goals. And I do not think we have to.

We also need to develop better air quality monitoring networks. When we do not know the quality of the air, there is a tendency to assume the worst. And assuming the worst can mean industry has to spend millions of dollars to control problems that really do not exist.

We need to fund more basic research into the effects of pollution on people and the environment, too. To pay off, research programs have to have stable funding. Basic research takes time. And researchers do not go into fields where there are no funds to support research.

In the past 2 years funding for basic research on the effects of air pollution has virtually dried up. Now we need to correct that situation and recreate a stable program that will attract talented researchers once again.

We also need to invest more in Federal help for State air pollution control programs. In the past 2 years, reductions in Federal funding have provoked additional reductions in State funds, not the increases some had expected. Returning to historical patterns of Federal funding will bring dividends in renewed State commitments.

Mr. Chairman, I am not one lightly to recommend higher Federal spending. But sometimes you have to spend money to make money. And this is one of those times. I support the amendment of the gentleman from Colorado.

I must wholeheartedly agree with the basic premise of this amendment—for, indeed, now is the time to begin rebuilding the EPA.

All of us here are well aware of the serious problems which have surfaced at the EPA. Our daily newspapers and nightly news programs are replete with stories of mismanagement and of an agency without the resources to administer our basic and essential environmental protection statutes. And while we can certainly take hope that the administrative problems at EPA will now be addressed by the new Administrator, Mr. Ruckelshaus, we all know that there is one other component to this puzzle which must be addressed—the serious financial needs of the agency.

Mr. WIRTH's amendment would take the very needed first step in restoring the resources necessary for the EPA to do the job entrusted to it by the Congress and the American people. And while this amendment will only bring the EPA's operating budget back up to the levels found in fiscal year 1981, it calls for increased appropriations in the very areas now so sorely lacking—allowing us to resecure the very best possible personnel, providing basic research and development funding for our lagging efforts in identifying and controlling the most dangerous of our Nation's toxic substances and pollutants, and a much needed infusion of funds for the regulation, monitoring, and abatement programs created by our most fundamental environmental laws.

I urge all of my colleagues to join with me in support of this amendment.

□ 1120

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

Mr. Chairman, I rise in opposition to this amendment, and I do so to caution members of the Committee and Members of this House with respect to the policy that is being argued in behalf of this amendment.

First, I want to remind Members that the new Administrator of the EPA has just been sworn in and he has assured the chairman of this subcommittee and the ranking minority member that he is in the process of reviewing the resource needs, personnel resources, and other resource needs for fiscal year 1984 and he assured the gentleman from Massachusetts (Mr. BOLAND) and the gentleman from New York (Mr. GREEN), that once that review has been completed that he will be back here to give a report on what he thinks the Agency needs in the way of additional money or additional resources for next year.

Now, my concern about this amendment is that the gentleman from Colorado has arbitrarily picked some numbers that vastly increase the funding for this Agency without due thought or a plan as to how these funds would be spent. I would remind Members that EPA has never been able to hire anywhere near the 2,000 permanent employees in a year's time in the past, much less utilize such a vast increase in personnel.

To simply hire 2,000 employees in fiscal year 1984, EPA would have to hire nearly 500 people each month for 6 months in order to utilize the number of work years that are required under the amendment offered by the work years that are required under the amendment offered by the gentleman from Colorado. That is about four times the maximum rate of increase that has ever been achieved by EPA, even during the Carter years.

EPA, I would remind Members, is a highly technical Agency and it is very difficult to go out and to find the qualified people that are needed in these very technical positions.

I would advise that we permit Mr. Ruckelshaus, who has just been sworn in as the Administrator of this Agency, to review his needs and the resources that he thinks he is going to have to have, and the manpower needs that he is going to have to have, and let him come back here and talk to us. I think that he deserves that courtesy, and we should let him complete that review and present his recommendations to us at the appropriate time.

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

Mr. BROYHILL. I yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's concern about strengthening the hand of Mr. Ruckelshaus and when that happens, but Mr. Ruckelshaus has made it very clear, particularly in the Cable News Network interview the night before last, that in fact he was going to be coming back to the Congress, and I think that we ought to strengthen his hand now.

The second point the gentleman makes related to the ceilings, I do not know where the number of 2,000 employees or 500 per month comes from. What we have done is go back into the critical areas of scientific capability within the EPA, the hazardous waste inspectors where, as I pointed out in my opening comments, the EPA regional offices have been requesting the kind of support that is necessary

to do the job that they are asked to do.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

(By unanimous consent, Mr. BROYHILL was allowed to proceed for 2 additional minutes.)

Mr. BROYHILL. Mr. Chairman, the amendment offered by the gentleman from Colorado would provide for at least 1,200 additional work-years, which is beyond the action that the committee has already taken. So we estimate that that, together with what the committee has already recommended, is calling for the hiring of somewhere around 2,000 permanent employees in the next year.

As I pointed out, in the past, the EPA has never been able to hire that level of highly technical, highly trained people, much less to effectively utilize such a vast increase in numbers of people. I do not object to giving some modest increases to the new Administrator, but I so think that we ought to do this with some thought and with some care, to permit the Administrator to come in here and to consult with the leaders of not only the authorizing committee but the Committee on Appropriations with respect to the levels needed and the resources needed, but also those that can be properly utilized.

So I would urge that we stick with the committee on this. They have offered here in this bill some increases in funding for the Agency, and if other increases are needed and warranted, we can certainly take care of that at a later time.

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

Mr. BROYHILL. Yes, I would be glad to yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman for yielding.

Mr. Chairman, again going back to the personnel question, let me point out that the personnel levels the gentleman is referring to are the personnel levels recommended by Ms. Gorsuch and are in the administration's budget as sent up in January 1983.

I do not think there is anybody in this House who thinks the personnel levels recommended there, which include hundreds of additional cuts at EPA, were realistic. We are not adding on top of that. We are saying OK, from where we are now, not including all of the cuts that Ms. Gorsuch and the administration were recommending in January.

□ 1130

Mr. BROYHILL. Mr. Chairman, I do not read the gentleman's amendment that way at all. What he is asking for is increases over and beyond the increases that the committee is recommending to us today.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. BROYHILL) has expired.

(On request of Mr. WIRTH and by unanimous consent, Mr. BROYHILL was allowed to proceed for 1 additional minute.)

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

Mr. BROYHILL. Certainly, I will be glad to yield to the gentleman, but I would like to respond.

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

Let me point out also that in addition to the fact that we are neutralizing the cuts which were recommended and which were unrealistic, second, on the research budget the dollars for research in the budget are precisely the dollars recommended by the Committee on Science and Technology.

Third, when we talk about going through the authorizing process, I would remind my colleague that the chairmen of all the authorizing committees related to this legislation, particularly those on the committee on which the gentleman sits, are in support of this amendment for the purpose of strengthening the EPA.

Mr. Chairman, I thank the gentleman for yielding.

Mr. BROYHILL. Mr. Chairman, I would also point out to the Members that in the last 2 years much of the administration of these programs has been delegated to the States. That is where much of the personnel needs has been shifted, and I do not know of anything in the gentleman's amendment that would propose shifting that back from the States to the Federal Government.

Mr. WIRTH. Mr. Chairman, if the gentleman will yield further, just at a time of very severe budget crises in the States, we are seeing cutbacks of State funds of all kinds, and we have seen a cutback of more than 15 percent of the funding going to the States which we want to restore to help the States.

The CHAIRMAN. The time of the gentleman from North Carolina (Mr. BROYHILL) has again expired.

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

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

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

Mr. BOLAND. Mr. Chairman, I agree with the position taken by the gentleman from North Carolina (Mr. BROYHILL).

There is no question about the fact that the amendment offered by the gentleman from Colorado (Mr. WIRTH) adds 1,200 additional positions above—hold on to your hats—the 800 positions that we added in this bill. Those 800 positions are comprised of 700 in the operating programs of the EPA, plus 100 in the Superfund. So there would be 2,000 additional staff years added to the EPA if this amendment were adopted.

From the experience that this committee has had with the Office of Management and Budget, there is no way in the world they are going to get those 2,000 positions. The OMB allocates the positions to the various departments and agencies of the Government. Last year OMB was going to RIF 412 positions from the EPA. It was this committee that stopped that RIF. We insisted on the allocation of the 412 positions we put in the budget, and those positions were saved.

My own judgment is that if we add 2,000 positions to this bill for the EPA, there is no way the OMB is going to allocate that number to EPA. There is no question about that.

So, Mr. Chairman, the gentleman from North Carolina (Mr. BROYHILL) is precisely right.

Mr. BROYHILL. Mr. Chairman, if I could reclaim my time for just a moment, I appreciate the gentleman's remarks backing up my arguments.

My concern is that is we ask for an increased number of people, we are not going to be able to put that many highly trained, highly technical people to good use within this very short time frame. It seems to me that we ought to be working toward some plan here, and we ought to let Mr. Ruckelshaus come forward with whatever plan he has and let him complete his review and not throw these kinds of resources at him that he may not ever be able to utilize.

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

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

Mr. BOLAND. Mr. Chairman, let me also add an addendum to what the gentleman said with respect to Administrator Ruckelshaus.

The gentleman from Colorado (Mr. WIRTH) indicated that Administrator Ruckelshaus was interviewed by Cable News Television Network, which is absolutely correct. But on the question of amending EPA's budget estimate, the question asked of Mr. Ruckelshaus was: Do you think you would have to go back to Congress to amend that figure?

And when Mr. Ruckelshaus answered that particular question, he was referring to additional money above the administration's request for the EPA and not above the add-on that is provided by this bill.

Mr. CHAIRMAN. The time of the gentleman from North Carolina (Mr. BROYHILL) has again expired.

(On request of Mr. WIRTH, and by unanimous consent, Mr. BROYHILL was allowed to proceed for 1 additional minute.)

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

Mr. BROYHILL. I am glad to yield to the gentleman from Colorado.

Mr. WIRTH. Mr. Chairman, just for the purpose of clarifying the record, let me read from the transcript of the Cable News Network interview of May 31. This is a question asked of Mr. Ruckelshaus:

And do you feel that it will be necessary, I mean from all the information you have right now, and knowing what the House Appropriations Committee has suggested, do you feel it will be necessary to go back and ask Congress to amend it?

Mr. Ruckelshaus said:

Yes, I think so. I think we'll be asking for more money.

Mr. Chairman, I thank the gentleman for yielding.

Mr. BROYHILL. But, Mr. Chairman, the gentleman is talking about vastly increased numbers, and the numbers are a bit arbitrary.

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

Mr. BROYHILL. And this is done with no plan whatsoever.

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

Mr. BROYHILL. Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I am one of those subcommittee chairmen who have been deeply concerned about EPA and the quality of its work for some time.

Just a few weeks ago I brought to the floor the so-called FIFRA legislation which provides for the pesticide part of EPA's operation. In extending that authorization for an additional year, the House also authorized a very substantial increase for the EPA's research and enforcement activities in that area. The amendment which the gentleman from Colorado (Mr. WIRTH) has offered today is an application of that same principle to the entire budget of EPA.

I really do not think that there is as much difference on this subject as the debate might seem to indicate. I have a great deal of confidence in the distinguished chairman of this subcommittee (Mr. BOLAND) to provide adequate funds for the operation of the agency. He has indicated that in the bill that he has brought before us, which is a substantial increase over the resident's budget. He has indicated that he would go even further after he hears Mr. Ruckelshaus' request. This is certainly a good faith indication that he wants to do what is necessary to restore the EPA to the level of effectiveness that it has had in the past.

Where we are differing here is probably on the matter of timing more than anything else. I would like to suggest that in adopting this amendment offered by the gentleman from Colorado (Mr. WIRTH), we probably can end up about where the subcommittee chairman, the gentleman from Massachusetts (Mr. BOLAND), would like to have us after the whole process is complete. We have quite a few steps to go with this bill, including a conference with the Senate and final action in both bodies.

If we do not adopt this amendment, then in the event that Mr. Ruckelshaus asked for a figure comparable to what is in this amendment, and both the House and Senate have adopted lower figures, there is no chance to get the larger figure into this bill. We would have to come back with a supplemental, which, of course, is frequently done, but it would be far more expeditious to incorporate the amount suggested by the gentleman from Colorado (Mr. WIRTH) in his amendment and then bring the figures down in conference to the level Mr. Ruckelshaus may subsequently ask for.

It is important, Mr. Chairman, that we indicate our confidence in Mr. Ruckelshaus and the program of EPA. That is the single most important ingredient in the effectiveness of the work that the agency does. This amendment would create that sense of confidence, that sense that the Congress is behind them, and that they can get on with their work.

Mr. Chairman, we read daily of some problem emerging which requires the action or attention of EPA and in every article is some mention of budgetary restrictions which are hampering an effective reaction to the problem. At a time when many State budgets are being cut back, funding cuts in environmental programs at the Federal level have had an extremely dangerous effect.

What we are debating here today is a restoration of EPA's funding to the fiscal year 1981 level. This is not some arbitrary figure, selected upon nostalgic yearnings for the halcyon days of the past. It is an attempt to put the agency back on an even keel and return some stability to EPA operations. It is an attempt to give the new Administrator of EPA, William Ruckelshaus, the tools necessary to do the job that we all want to see get done. It is an attempt to heal the wounds of the past which have divided this House and this country. It is a starting over for all of us.

Some of my colleagues may reject this argument, saying that what we are attempting to do here today is simply throw money at our environmental problems. What we are attempting is to insure the proper level of protection for the people of this country. What is the value of one Times Beach, Mo., being prevented by an adequate monitoring program? How do you cost out the value of having enough lab auditors at EPA to adequately review lab studies and prevent the fiasco of bad lab work being done in the pesticide registration program? How do you put a price tag on the suffering and anxiety of people like those surrounding the Stringfellow acid pits in my district, people subjected to additional anxiety due to budget restraints delaying epidemiological studies of the area?

Stability in EPA serves everyone. Industries subject to regulation need a stable situation in order to make investment decisions. Wide swings in the environmental regulatory system are not good for industrial planning, but these swings are becoming the rule these days. This amendment is an attempt to stabilize EPA to everyone's benefit.

We all know of past horror stories at EPA. They range from very serious problems, such as those surrounding the Stringfellow acid pits decisions, to very small ones. But they have all been costly. Every day's delay at Stringfellow increases the cost of cleanup, but the cleanup depends upon epidemiological studies and better research on what is in the pits and what it may do to local residents. When a company is seeking to register a pesticide and that permit is delayed a week for lack of a typist there is a cost to the company and to the farmer. I am sure that each of us here today could recite stories such as these, stories which point out the true costs of past budget cuts at EPA.

I urge my colleagues to support this new beginning for EPA and give the new Administrator the tools which he needs to get the job done.

□ 1140

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

Mr. Chairman, I rise in strong support of the amendment of the gentleman from Colorado (Mr. WIRTH).

Those of us who have been concerned with the environment have just been overwhelmingly distressed by the failure of EPA to enforce the laws to do the research that is necessary in order to give the protection to the environment which Congress intended.

With respect to the numbers of personnel that were referred to by the worthy chairman of the Appropriations Subcommittee, it is my understanding, and he can tell me if it is wrong, that the administration proposed cut of 600 people and that the 700 people which the gentleman has restored are taking into account those 600 people. So it is a net of only 100 people that has been provided by the subcommittee.

This is in contrast to the some 2,500 additional people that were, in fact, working at the Agency during the

period of 1981 when the laws, in fact, were being prosecuted.

Since that time in 1981 we have added substantial new responsibilities to the Agency and to the toxic substances field identifying new chemicals and in the Superfund area which have not been adequately pursued, such as acid rain where the administration said that they did not want to take action on acid rain until they did more research. Then they have asked we cut the funds for research in a whole variety of critical areas to the health and safety of our population. New responsibilities have been added and we have had this drastic cut.

What the Wirth amendment does, as I understand it, is merely get us back to where we were, or not quite back to where we were in 1981.

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

Mr. OTTINGER. I am glad to yield to the gentleman from Colorado.

Mr. WIRTH. The gentleman is precisely right. What is in the subcommittee appropriation bill effectively just leaves EPA where thay are now. They do not add 700 new positions. They effectively leave EPA where they are now.

What the Wirth amendment does is to add only 40 percent of the positions that were available in 1981, only 40 percent of the cuts that were made; so what we are doing, as the gentleman from New York has so accurately pointed out, is that we have given EPA an enormous set of new responsibilities and yet we have taken away 2,500 positions. What the Wirth amendment does is only restore 40 percent of the positions taken away.

The Appropriations Committee only leaves EPA where they are today. We are restoring 40 percent of the cuts that have been made since 1981.

Even that is going to prove to be inadequate and I hope in the future we will be able to work with Mr. Ruckelshaus to make sure the EPA can meet the mandate, very ambitious mandate, given to EPA by Congress.

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

Mr. OTTINGER. I am happy to yield to the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentleman for yielding.

I would like to point out to the House that it was under the leadership and the chairmanship of the gentleman from Massachusetts (Mr. BOLAND) that the funding for all of those jobs was added to the Environmental Protection Agency. He has been a stalwart supporter of the Environmental Protection Agency and was very forthright and forceful in his leadership in this regard.

The 2,500 jobs that were taken away were certainly not taken away by the chairman or the subcommittee. The addition of the 700 jobs in the operating program and 100 jobs in the Superfund are a reflection of his distress and the distress of the subcommittee in the further cuts that were made by the administration.

Mr. OTTINGER. I appreciate very much what the gentlewoman says. There is no question that the gentleman from Massachusetts has been an environmental champion. I think what he has done here in this appropriation is he felt the pressures that are on this body because of the tremendous deficits which the Reagan administration created does not permit us to go as far as we should. But I think he has underestimated the willingness of the country and the willingness of this body to see to it that the EPA is restored to become a really effective agency and, therefore, we are trying to assist the gentleman from Massachusetts and by no means critcize him.

I think he did what he felt he could get support for in the House and it is just that we are asking for more.

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

(On request of Mr. WIRTH and by unanimous consent Mr. OTTINGER was allowed to proceed for 1 additional minute.)

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

Mr. OTTINGER. I am glad to yield to the gentleman from Colorado.

Mr. WIRTH. I would like to associate myself with the comments of the gentlewoman from Louisiana. She is absolutely right and I commend our subcommittee chairman, as I have in private discussions and in my earlier statement, for holding the line against even more Draconian cuts at the EPA.

As the gentleman from New York points out, we just want to bring this back up and add a little further to help the good efforts made by the gentleman from Massachusetts.

I thank the gentleman for yielding.

Mr. BOLAND. Mr. Chairman, will my good friend from New York yield?

Mr. OTTINGER. I am happy to yield to the gentleman from Massachusetts.

Mr. BOLAND. I want to associate myself with the first couple of sentences by the gentleman from Colorado and, of course, associate myself with the remarks of the gentlewoman from Louisiana.

I think the gentleman from New York and the gentleman from Colorado understand that you can bounce figures all over the lot here. But, the fact of the matter is, the bottom line is—and you cannot disagree with this because this is absolutely factual—the recommendation of the administration was for a reduction of 450 positions for fiscal year 1984. Do we agree on that?

Mr. WIRTH. It is more than that.

Mr. BOLAND. If the gentleman will agree to that, 450 positions. We restored the 450 positions and added 350 more positions, for a total of 800 positions above the budget.

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

(On request of Mr. BOLAND and by unanimous consent Mr. OTTINGER was allowed to proceed for 1 additional minute.)

Mr. BOLAND. We added 800 positions, 700 in the regular operating functions of the EPA and 100 under the Superfund. You cannot dispute that figure. That is exactly what we did.

It would seem to me that was an expression of support for what the EPA is trying to do in certain areas. I will wait until we get to the end of this debate and I will address myself to the specific amendments the gentleman from Colorado has offered. Perhaps at that time we can close the debate fairly early.

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

Mr. OTTINGER. I will be glad to yield.

Mr. WIRTH. We can again go through all kinds of numbers. Let me just briefly point out in fiscal year 1983 EPA had 8,500 positions. The administration recommended for 1984 7,900 positions or a cut of 600.

The gentleman from Massachusetts and the Appropriations Committee have brought the budget back up to the 1983 level, to the 8,500. In other words, that is 600. They left it where it was, and they added an additional 100 positions. Those are the numbers as reflected in the budget and I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from New York (Mr. OTTINGER) had again expired.

(By unanimous consent Mr. OTTINGER was allowed to proceed for 1 additional minute.)

Mr. OTTINGER. That is my understanding.

In the meantime vital research is not being done because not adequate people are assigned to it. New chemicals are being introduced into the environment that may cause us grave hazards. They are not being adequately tested and the testing is not being adequately supervised.

Those are real hazards to health and to safety which time and time again the American people have expressed themselves as willing to pay for, willing even to pay more taxes in order to see to it that those laws are adequately addressed and that they are adequately protected so that we do not have more Love Canals or tragedies that are occurring all over the country today as communities have to evacuate.

□ 1150

We have had an administration at EPA that is not at all interested in enforcing any of these laws. Now fortunately we have somebody back there who has at least declared he intends to put that Agency back on track. He is going to need the resources to be able to do that. Our plea to you is to give him those resources and give them in time so he can get on with this vital work.

(On request of Mr. GEKAS and by unanimous consent, Mr. OTTINGER was allowed to proceed for 1 additional minute.)

Mr. GEKAS. Will the gentleman yield?

Mr. OTTINGER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. I thank the gentleman.

I want to know, not much has been said in this debate about whether or not the States will be getting any money out of this new amount that is allocated for abatement and control. It is not very clear to me that the States, themselves, are going to be benefiting in their own programs to complement the EPA initiatives. Can someone answer that for me?

Mr. OTTINGER. I yield to the gentleman from Colorado. The question is: Will the States benefit from any of the funds that you are adding.

Mr. GEKAS. Am I correct in assuming that if this amendment should pass that the Administrator will have at his disposal, his discretion the expenditure of these funds and that that is no guarantee, at least, not by the wording of the amendment, that the States will be getting some of the money from the Administrator for their programs of abatement and control.

Mr. OTTINGER. Mr. Chairman, I yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman for yielding.

As constructed in the amendment some $65 million would go back to the States, and the accounts are set up in the amendment, there are three amendments offered en bloc. The States have been cut in their support from the Federal level by some 15 percent in their ability, which as the gentleman knows, is a very significant State responsibility.

(On request of Mr. GEKAS and by unanimous consent, Mr. OTTINGER was allowed to proceed for 1 additional minute.)

Mr. WIRTH. If the gentleman would further yield.

Mr. OTTINGER. I yield.

Mr. WIRTH. I thank the gentleman.

The money funding from the EPA to the States to help them do the job has been cut by some 15 percent over the last 2 years. Under the Wirth amendment it is envisioned that $65 million of the amendment would go back to the States.

Mr. GEKAS. The gentleman uses the word, "envisioned." I am asking if the language of the amendment guarantees that the money will go from the Administrator to the States? I think not. I would like to have that clarified.

Mr. WIRTH. If the gentleman would yield further, we only deal in the bill with the various accounts and we have increased the account which is particularly important to the States. Clearly that is one of the areas of greatest need and one of the areas where the administration and Mr. Ruckelshaus clearly knows that is where extra funding has got to come.

Mr. BOLAND. Will the gentleman yield?

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

Mr. BOLAND. I appreciate the gentleman yielding.

I am sorry we are putting a burden upon his time. But in response to the gentleman's question, let me say that the gentleman from Colorado's amendment adds $151 million for abatement, control, and compliance activities. All of it goes to the Administrator, and the discretion rests with him. The amount of $65 million is not necessarily going back to the States.

For my part, I would like to see a lot of it go to the States. I have no problem with that. My problem is with the excessive amount that his amendment adds to the bill.

(On request of Mr. GEKAS and by unanimous consent, Mr. OTTINGER was allowed to proceed for 1 additional minute.)

Mr. OTTINGER. I yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman for yielding.

Clearly in the line items within the budget as constructed in the Appropriations Committee there is not a particular line item for the States. It is under abatement control and very clearly the history of that function has been support for the States and clearly anything that our good chairman would suggest after this amendment passes, that our good chairman would suggest in terms of language and in terms of meeting with the Senate, it is the intent of this Member and I think all of us to strengthen the capacity of the States who have almost the largest responsibility for the enforcement and monitoring of various pieces of legislation under the authority of the EPA.

You cannot do that in the language of this amendment, but we can do it in the report language. I would be happy to work with the gentleman and with the chairman to make sure that is very clear as to what the intent of the body is.

Mr. GEKAS. I thank the gentleman.

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

Mr. BOLAND. Will the gentleman yield? I will ask for additional time if I impact upon his time.

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

Mr. BOLAND. Mr. Chairman, we have been on this amendment now for better than an hour and I would hope that we can come to some time limit on it. I recognize the fact that there are at least seven more Members on that side that wish to speak. I would like 10 minutes, the last 10 minutes to be reserved for the committee—Mr. GREEN and myself and anybody else who is going to oppose the amendment.

In any event, why do we not wind this up at 12:45 p.m.?

Mr. WIRTH. If the gentleman will yield, does that include the gentleman's 10 minutes?

Mr. BOLAND. No, that would not include the gentleman's 10 minutes. We will get an extra 10 minutes. We have given you a great deal of time. I think we have been very generous here.

Mr. WIRTH. I am not sure of the generosity—I am not sure we want to limit the Members who want to speak on behalf of this amendment. I think there is a broad group of people. Why do we not go along for a period of time and see how many Members there are. There are a number of Members here waiting patiently for the last 2 hours in order to speak including the gentleman in the well. Perhaps we could move along for a while and then see where we are.

Mr. BOLAND. I do not know how patient some Members have been. The gentleman in the well has been sitting there for the last hour, I have no doubt of that.

Mr. WIRTH. If the gentleman from Arizona will yield further, I see at least eight Members on our side.

Mr. BOLAND. If the gentleman will yield further, I certainly want to reserve time for the committee at the end of the debate. You would not disagree?

Mr. WIRTH. Of course not. Of course the committee Members can be recognized at any time.

Mr. BOLAND. I understand, I have been around here long enough to understand that. I have seen you get time limitations in the past. This is not an unreasonable request. As a matter of fact, I think it is a very reasonable one.

In any event, would the gentleman object if I ask unanimous consent to close the debate on this amendment and all amendments thereto at 1 o'clock with the last 15 minutes reserved to the committee?

Mr. WIRTH. With the last 15 minutes reserved to the committee?

Mr. BOLAND. Yes.

Mr. WIRTH. With one caveat, it seems to me if the gentleman would yield further, that the Appropriations Committee has had very sufficient time in terms of developing this legislation and so on to make their case and perhaps we could agree that the last 10 minutes would be split between the proponents and the opponents and that would start at 10 minutes of, with 5 minutes on the gentleman's side and 5 minutes on our side with all debate to conclude at 1 o'clock.

Mr. BOLAND. Of course, I could not agree to that because I feel strongly that the gentleman from New York, Mr. GREEN, who is a very valuable member of this subcommittee, is entitled to time. You have had all the time here.

Mr. WIRTH. If the gentleman would yield, we have been the people asking for time, it is certainly the gentleman from New York's right to ask for time and others.

Mr. BOLAND. The gentleman recognizes the fact that there are only a few of us who are sitting on this floor that will speak in opposition to the amendment. I would think the gentleman would be delighted to go ahead and win this one in the shortest possible time that you can.

Mr. WIRTH. Can we agree that we will give the gentleman the last 10 minutes from 10 minutes of 1 to 1 o'clock, if we can have the time reserved from a quarter of to 10 minutes of for the gentleman from Arizona (Mr. UDALL).

Mr. BOLAND. Well now——

Mr. WIRTH. We are just lining up our ducks in a fair fashion.

Mr. FRENZEL. Would the subcommittee chairman yield?

Mr. BOLAND. The gentleman in the well (Mr. MCNULTY) has the time.

The CHAIRMAN. The gentleman from Arizona has the time.

Mr. FRENZEL. Will the gentleman in the well yield?

Mr. MCNULTY. I think my time has gone.

Mr. FRENZEL. This is an interesting negotiation of the floor between these other gentlemen who have had an interesting debate, one of whom must be wearing out his shoe leather, he has been on his feet so much. There are other Members of the body who would like to participate and I think most of us would prefer that those gentlemen did not carve up the time exclusively between themselves. So, they will certainly have to get a motion because they are not going to get unanimous consent for that sort of arrangement.

□ 1200

Mr. BOLAND. Mr. Chairman, if the gentleman will yield further, I will be delighted to sit down and not ask for the unanimous-consent request right now. Perhaps later on I will. And I hope the gentleman from Colorado would agree at that time.

Mr. WIRTH. I think we can work something out.

The CHAIRMAN. The time of the gentleman from Arizona (Mr. MCNULTY) has expired.

(By unanimous consent, Mr. MCNULTY was allowed to proceed for 5 additional minutes.)

Mr. MCNULTY. I thank my colleagues. That seems to be a decent gesture on the part of the Members.

I do not want my contribution to go either unrecognized or deprecated and so I would like the Record to show I have been here 2 hours, 5 minutes, and 47 seconds.

Mr. Chairman, when a society commences a remarkable program like clean air, or clean water, it seeks, and rightly so, dramatic, swift, and relatively inexpensive success. And that has been the case with the Environmental Protection Administration, but the necessary corollary of that is that the most intractable problems tend to be left behind, the kind that require the slogging, constant, enduring sort of commitment, the ones that are consequently necessarily more expensive. Problems like the enormous infestation of the municipal water supply of the city of Tucson by tetrachloroethylene deposited there by Department of Defense activities in World War II. Problems like the retirement community in Globe, Ariz., that now finds its entire trailer park has been built on an asbestos dump which is dangerous to the inhabitants.

So in supporting this measure today, the ramification of this intractability is quite simply that the funding level for these efforts not only cannot remain the same, but must be increased. And so while the quantity of funds that are under discussion here are substantial, in fact the great and important measure of this amendment is the test of the determination of the Congress to continue now that the dramatic and romantic successes are behind us with the harder task of confronting the more troublesome problems.

I support the amendment.

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

Mr. Chairman, I rise in opposition to these amendments. It seems that in this debate this morning the subject of how these amendments will influence the deficit has been totally vacant.

The fact of the matter is that these amendments to the committee bill will increase the deficit something over $220 million.

Now I think it is somewhat hypocritical for a number of Members to decry deficits on Monday and Tuesday and Wednesday and then propose amendments to increase the deficit over $220 million on Thursday. I think that a 25.4-percent increase which is called for in these amendments in fiscal year 1984 appropriations over fiscal year 1983 appropriations is far too large an increase for EPA to be able to handle and adjust to and digest. Whether 1,200 employees are being added or 2,000 employees are being added, the fact of the matter is that there is a very substantial number of employees being added, a number that would exceed the number of employees added in any other previous year in EPA's history, including the ambitious years of the Carter administration.

So I think that we are asking the new Administrator to do far too much too soon.

Second of all, we have just put in a new Administrator. I think it is proper that he be given a chance to present his plan and have the Congress act on it. I think there is no question that whatever the Administrator comes up with in the way of an increase over what the administration had originally proposed, that this Congress will enact it. This Congress seems intent—particularly this House—on increasing every budget we have passed in the last 2 years.

I do not think there would be any problem with the supplemental appropriation in 1984 when the Administrator comes forward with his plan, a plan that would include not just fiscal year 1984, but fiscal years 1985, 1986, 1987, and 1988.

And so I think that it would be proper of this House to turn down this amendment, to wait until the Administrator presents his plan, and to then increase the budget.

I might further add that the $220 million addition to the deficit is totally, totally unwarranted at this time.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. HILER. I yield to the gentleman from California.

Mr. LEWIS of California. I thank the gentleman for yielding.

First, let me say that I appreciate the gentleman's contribution.

Some years ago it was my privilege to serve as the chairman of a standing committee dealing with the field of air quality in California. We found in those days that oft times just throwing money at problems was not the best way to find an adequate solution.

The gentleman's suggestion that we should wait until the Administrator comes forth with his plan, that if additional funds are needed, we might very well use the supplemental processes, is most appropriate. I agree with the gentleman's position and I want to associate myself with his remarks.

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

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

Mr. MOLINARI. I thank the gentleman for yielding.

Is it not a fact that under the committee bill, H.R. 3133, that we would indeed be increasing the deficit over and above the amount that has been recommended by the administration by some $134 million?

Mr. GREEN. If the gentleman will yield to me, I think maybe I could contribute to that.

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

Mr. GREEN. I thank the gentleman for yielding.

The administration has stated in its comments to the Republican members of the Appropriations Committee that if one looks at this bill, other than the new units placed under subsidy in the housing programs, the administration is not objecting to that part of the bill.

There is a difference on numbers with respect to the housing subsidy, but with respect to the balance of the bill, and that includes EPA, the administration has not objected to the bill, those planning it disagree as to specific items.

Mr. HILER. If I may reclaim my time. I do not have a problem with what the committee has done with EPA. This amendment adds on $220 million over what the committee has already added. That is the $220 million of additional deficit that I think is just uncalled for at a time when the Administrator has not had time to come before this House and say what it is he is interested in. I think we ought to at least give the new Administrator a chance to present us with his plan before we foist more and more money, more and more people, more and more responsibility upon him.

Mr. MOLINARI. If the gentleman will yield further, the question I have is that even the committee bill though would increase the amount of the so-called deficit by $134 million, so that if we are objecting to increasing the deficit, then would the gentleman not take the position that he would oppose the committee appropriation for EPA?

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

Mr. Chairman, I think the gentleman from Pennsylvania raised an important point when he discussed what this amendment will mean for the States. As we know, each of our major environmental laws, the Clean Air Act, the Clean Water Act, the Resources Conservation Recovery Act, and FIFRA delegates major responsibilities to the States. This delegation is made in the context of a program with national standards.

Federal standards are important for several reasons. First, since pollution does not recognize State borders, national standards protect States from pollution originating in other States. Second, national standards prevent States from undercutting each others' regulatory programs by luring away industry based on a promise of less stringent environmental controls. Third, many States could not afford to conduct the kind of research and development necessary to develop regulatory standards in these areas. Fourth, we cannot burden industry with 50 different standards with respect to air quality, with respect to water quality, and with respect to hazardous wastes.

□ 1210

We have demonstrated that we can and have properly delegated enforcement responsibility to the States so that environmental laws can be effectively carried out, in light of local conditions. However, if we are going to ask the States to carry this enforcement burden for this national program and this national responsibility, it is critical that we provide the States with the necessary resources. This amendment assists substantially in that process.

The Wirth amendment provides an additional $65 million in grants to the States to carry out air and water quality and hazardous waste control programs. Those funds are essential if we are serious about delegating responsibility to carry out this program to the States.

Now, the question has been raised as to whether this amendment, in the way in which these funds are appropriated, are clearly to be used by the States and to be given to the States rather than the Administrator. I think the discussion on the floor of this House has made clear that what is intended by this amendment is to make resources available to the States. I do not think the Administrator would have any doubt as to what the Congress intends, and I am sure the chairman of the Appropriations Subcommittee will be able to implement that in the conference and, beyond that, in communications with the administration.

So I think these extra resources are clearly appropriate to be made available so that the Administrator can carry out the will of this body.

Mr. GEKAS. Mr. Chairman, will the gentleman yield on that point?

Mr. MORRISON of Connecticut. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, since the gentleman has touched upon that subject, I am wondering if we would not be really harming the whole procedure if we approved this amendment which would just turn over these moneys directed to the Administrator.

What if the Administrator comes back with a plan in which he, after thorough analysis and study, contemplated much more money should go to the States than is contemplated by this amendment? We would be harming his ability to funnel more moneys back to the State out of this total appropriation, would we not?

Mr. MORRISON of Connecticut. Reclaiming my time, I would say that it is clear that the Administrator can return to us at any time for additional authority and additional appropriations to do more for the States, but I do think that it is appropriate for this body to express its will at this time of the crying need of the States to have these resources to carry out the program that this Congress has passed and has supported over the years.

Mr. GEKAS. If the gentleman will yield further, has not the gentleman just endorsed the concept that perhaps we are premature in determining ahead of time, before a thorough analysis as to what the needs are, preempting the Administrator from coming to us and saying, "Here is what I propose to do, I want to funnel moneys to the States in this degree, I want to enter into contracts directly with the EPA in this degree," and, in short, are we not hamstringing a solidly well-planned program that the Administrator might be presenting to this Congress?

That is the rhetorical and actual question that I am posing.

The CHAIRMAN. The time of the gentleman from Connecticut (Mr. MORRISON) has expired.

(By unanimous consent, Mr. MORRISON of Connecticut was allowed to proceed for 1 additional minute.)

Mr. MORRISON of Connecticut. Mr. Chairman, I think there can be no doubt that the additional $65 million is needed and should be used; and if it becomes apparent that additional funds are needed for State enforcement, I think we can deal with that at a later time, but we should act decisively now.

The National Governors Association has explained this important need. It has made clear that if we do not provide additional enforcement resources to the States, we are going to suffer from a lack of enforcement of the standards that have been approved.

In an analysis called The State of the States: Management of Environmental Programs in the 1980's, prepared last year, the NGA said that reduction in the EPA State grants program:

> Would require curtailment in a number of environmental protection activities by a level at least proportionate to the reduction in Federal support. Because States may still be required to respond to Federal mandatory requirements, the activities most likely to be curtailed by the States include resource intensive activities such as monitoring of ambient pollution levels, monitoring of compliance by emissions sources, permitting,

technical support, and enforcement in all environmental media * * *.

Grants to the States have already been substantially reduced in the past, in real terms. If we are going to make a beginning now to revive the enforcement activities of the EPA, we must do it in concert with the States and we must give the States the resources to carry it out.

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

Mr. Chairman, I support this amendment to increase funding for the Environmental Protection Agency to the 1981 level.

The issue has been raised about the new leadership in EPA, and that is a legitimate issue. But I am personally convinced that, without this modest restoration of funding, the EPA will be unable to carry out the critical mandate to protect the health and safety of Americans. And that, Mr. Chairman, is one of our most sacred trusts—to protect the health and safety of our people.

As an example, despite the fact that an overwhelming number of Americans desire and expect clean water, under the current funding bill the task of identifying polluted bodies of water simply cannot be carried out.

Mr. Chairman, we lack sufficient scientific data documenting the effects of toxic water pollutants on all life forms. We owe that data to the American people. We lack data on the concentrations of toxic pollutants in the waters, streams and lakes across this land. We owe that data to the American people.

EPA has published water quality criteria designed to protect aquatic life from acute and chronic effects of toxic pollutants, but only for 21 chemicals. These 21 chemicals are only a fraction of the 129 priority toxic pollutants targeted by the Clean Water Act, not to mention the dozens if not hundreds of other chemicals likely to be discharged into one or more of the surface waters of our great country.

Clearly, Mr. Chairman, additional research is needed so that EPA can do its job and publish criteria to be used by the States when setting allowable concentration of chemicals in specific water bodies.

Mr. Chairman, additional funds are needed now for intensive monitoring of areas already suspected to have toxic problems. The States are already having to cut back on routine monitoring of surface water due to cuts in Federal funding for water quality programs.

We cannot expect the States to carry this burden alone. The health of Americans is not a local or a regional issue. It is a national issue. The people of this Nation want our Government to guarantee that humans and other living things are not being exposed to damaging levels of toxic chemicals. An overwhelming majority of Americans feel that a clean environment is a top priority for our society.

Mr. Chairman, we have a chance today to carry out the people's will by supporting the Wirth amendment which, in my opinion, is a modest step toward a cleaner and healthier environment.

The CHAIRMAN. For what purpose does the gentleman from Colorado (Mr. WIRTH) rise?

Mr. WIRTH. Mr. Chairman, I rise for the purpose of making a unanimous-consent request concerning limitation of debate.

The CHAIRMAN. The gentleman will state his unanimous-consent request.

Mr. WIRTH. Mr. Chairman, I ask unanimous consent that debate be limited to 35 more minutes, 10 minutes to be allocated by the proponents, 10 minutes by the opponents, and the final 15 minutes to be allocated as follows: 5 minutes to the gentleman from New York (Mr. GREEN), 5 minutes to the gentleman from Massachusetts (Mr. BOLAND), 5 minutes to myself, with the gentleman from Massachusetts (Mr. BOLAND) being the final speaker.

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

Mr. BOLAND. Mr. Chairman, reserving the right to object, I would ask the gentleman from New York (Mr. GREEN), the distinguished ranking minority member of this subcommittee, if that is agreeable to the gentleman.

Mr. GREEN. Mr. Chairman, that is certainly agreeable to me.

Mr. BOLAND. Mr. Chairman, I have no objection, and I withdraw my reservation of objection.

The CHAIRMAN. The Chair will ask the gentleman from Colorado (Mr. WIRTH) to restate his unanimous-consent request.

Mr. WIRTH. Mr. Chairman, I ask unanimous consent that all debate on the amendments end in 35 minutes; that of that 35 minutes, 10 minutes be allocated by the proponents of the amendments, 10 minutes by the opponents of the amendments, to go back and forth between them. Of the final 15 minutes of the amendments, 5 minutes to be allocated to the gentleman from New York (Mr. GREEN), 5 minutes to the gentleman from Massachusetts (Mr. BOLAND), 5 minutes to myself, with the gentleman from Massachusetts (Mr. BOLAND) having the privilege of being the final speaker on the amendments.

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

The Chair has one further inquiry.

This unanimous-consent request relates to the Wirth amendments being considered en bloc and any amendments thereto?

Mr. WIRTH. Mr. Chairman, I do not think any amendments thereto are in order under the rule.

The CHAIRMAN. The Chair will advise the gentleman that there can be amendments offered to the gentleman's amendments.

Mr. WIRTH. Mr. Chairman, there are none pending that I know of.

The CHAIRMAN. Does the gentleman want his unanimous-consent request to include all amendments thereto?

Mr. WIRTH. Yes, Mr. Chairman.

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

There was no objection.

The CHAIRMAN. The gentleman from Colorado (Mr. WIRTH) will control the 10 minutes on behalf of the proponents, the gentleman from Massachusetts (Mr. BOLAND) will control the 10 minutes on behalf of the opponents, following which the gentleman from New York (Mr. GREEN) will be recognized for 5 minutes, the gentleman from Colorado (Mr. WIRTH) will be recognized for 5 minutes, and the gentleman from Massachusetts (Mr. BOLAND) will be recognized for 5 minutes to conclude debate on the amendments and all amendments thereto.

□ 1220

The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. SIKORSKI).

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

Mr. SIKORSKI. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON. Mr. Chairman, I rise in support of the amendment.

Mr. SIKORSKI. Mr. Chairman, the committee's proposed budget for the EPA operating program, in real dollars, would put the EPA budget below where it was in 1974. It would put grants to the States, in real dollars, below where they were in 1974. It would give the Agency fewer staff than it had in 1974. It would permit the Agency to do less research than it did in 1974.

What has happened in the last decade that permits us to reduce the size of EPA?

Well, to start with, we have passed extensive new legislation, requiring the EPA to do a whole host of things. Since 1974, we passed the Safe Drinking Water Act, requiring EPA to undertake the complex and difficult task of setting standards to assure Americans that their drinking water is safe.

We passed the Toxic Substances Control Act. It requires EPA to assess the safety of several thousand new substances created every year and to

insure that the 50,000 synthetic chemicals now in use do not present a danger to the American public.

We passed the Resources Conservation and Recovery Act that requires EPA to regulate the disposal of 90 billion pounds of hazardous wastes each year.

We strengthened the Clean Air and Clean Water Acts, requiring EPA to deal with toxic water pollution and hazardous air pollutants.

Finally, in 1980, we passed the Superfund law.

None of the statutes for which EPA is responsible has been weakened since 1974. None of the hazards that EPA is required to regulate under those laws has disappeared since 1974.

On the contrary, Mr. Chairman, since 1974 we have become much more aware of the hazards presented by hazardous wastes, toxic chemicals, air pollution, and water pollution. Time and time again in O&I hearings we heard of honest resource deficiencies.

No, EPA has not done the job. We should not be giving Mr. Ruckelshaus the EPA he left a decade ago. He cannot be expected to do today's job with yesterday's agency.

Mr. Chairman, in light of what has happened to the EPA in the last 2 years, this may be too little and too late. Yet, I urge the House to adopt it as the first step in a new beginning.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, the Wirth amendment to this HUD appropriation bill, H.R. 3133, would add $219 million to the EPA budget for fiscal year 1984.

If you are disappointed by the performance of EPA, and all of us are, this amendment tells us we can drown our sorrows by throwing more dollars at the problems. Actually the Appropriations Committee, a group with an open-handed reputation, has already watered-up the administration's request by about $150 million.

It is pretty hard to see how EPA could use all the new money effectively. The money would anticipate a rate of new hiring that may be unachieveable. This amendment adds 1,200 more bureaucrats to the 800 already added by the Committee, 2,000 new bureaucrats is more than enough.

The new Administrator, Bill Ruckelshaus, on whom we are all depending for strong leadership at EPA, has asked us not to act until he has had time to analyze the budget. I think we owe him the time to make his analysis and subsequent request of us.

Most observers say that the problem of EPA is management and leadership. The Wirth amendment says the problem is lack of dollars, a judgment not shared by the committee, nor yet shared by the Administrator.

The choice on this amendment is not between a clean environment and an unclean one. This amendment will not change a single line of our air and water laws. The choice is whether we want to throw some more taxpayer's money at the problem.

For me the choice is easy. My constituents are tired of Congress tossing their money at problems with the most worthy of motivations and the most unsuccessful of results.

I shall be guided more by the request of the Administrator than by the proponents of this amendment. I believe the amendment should be rejected.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Chairman, I yield 4 minutes to the gentleman from Tennessee (Mr. GORE).

Mr. GORE. I thank my colleague for yielding to me, and for his leadership on this issue.

Mr. Chairman, Members who are listening to this debate should have no doubt about one fact: This is one of the key environmental votes in this Congress. It will be long remembered, because it comes in the wake of the dramatic events which have taken place this year. Since the administration began its destructive work on the EPA, this vote is the first opportunity that we have in this body to try to undo some of the terrible damage that has been done at EPA.

The fact is, the job to be done at EPA has gotten a lot bigger in recent years, and the reason it has gotten bigger is because the American people do not believe that the environmental problems of this country are merely "perceived problems," as my colleague stated a moment ago; they know that there are real problems which must be addressed.

At the same time that the work to be done has doubled in size, the resources available to EPA have diminished dramatically. And, of course, the appointees of the administration have gutted EPA across the board, in every single program. They have done terrible damage to it.

In the wake of the investigations in the Congress this year, the administration belatedly recognized the severity of the political problem it was causing for itself, and it appointed an able and capable new Administrator, William Ruckelshaus. No one disputes his credentials or his ability. However, two questions remain: One is whether or not the White House and the Office of Management and Budget share Mr. Ruckelshaus' commitment, and whether or not they will let him do the job that the American people want to see done; and the second remaining question is whether or not we in the Congress will provide the resources necessary to undo the damage that has been done.

We have to answer that question in the affirmative. We have to provide them the resources they need to do the job.

Let us be frank about another aspect of this issue: This amendment would pass on a voice vote were it not for the fact that we have such an able and respected subcommittee chairman and ranking minority member opposing it. Were it not for their opposition, this would be a foregone conclusion. There would be a voice vote. There would not even be any real controversy because it is really a bipartisan commitment in this country to environmental protection and to undoing the damage that has been done at EPA.

We all know that the jurisdiction of different subcommittees includes a lot of different things, and we all get to where we have to look at our jurisdiction very carefully and things compete within the jurisdiction of subcommittees, one with the other. In my view, that competition explains the subcommittee's position. But we as the full Congress, have to realize that this is an historic time for this country. The American people are reaffirming in the strongest possible terms, their demand: "Clean up the environment. Quit fooling around with EPA. Put responsible people in charge and give them the resources they need to do the job."

□ 1230

That is what this amendment is all about. The problem is real. It must be solved, and this is the solution.

Mr. Chairman, I ask the Members to vote yes on this amendment.

Mr. BOLAND. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. Mr. Chairman, I do not disagree with what the gentleman from Tennessee (Mr. GORE) has said. All of us want to make sure that the Administrator is given adequate funds to do the job that we call on him to do.

Our argument, of course, is that we are going to be throwing money at the Agency and to the Administrator that cannot be spent in a rational and a cost effective way in these very few short months over which we are appropriating in this bill. To simply hire 2,000 employees of high training and technical ability over this short timeframe is going to be an impossibility. At least when we look at past history, it would be an impossibility. It would be a goal that would be very difficult to achieve. We are talking about hiring as many as 500 people each month for 6 months in order to utilize the number of workyears that are

called for in the amendment offered by the gentleman from Colorado (Mr. WIRTH). Going back to the Carter administration years, the EPA was able to increase its onboard strength by only 1,379 people, and that was the quickest buildup in EPA history during those years.

So what we are concerned about is that with the impact of the Budget Control and Impoundment Act, we are asking for a buildup for this agency of something like 2,000 workyears, and that is going to very severely push the EPA infrastructure. It is already weakened, and we agree with that. But we are saying that when we have increases of this kind, we also have increases for program managers, for space, for training, for furniture, and so forth.

So, Mr. Chairman, what we are asking is that we wait until Mr. Ruckelshaus makes his recommendations.

The CHAIRMAN. The Chair recognizes the gentleman from Colorado (Mr. WIRTH).

Mr. WIRTH. Mr. Chairman, so that I have a sense of where we are, may I make an inquiry in terms of the time remaining?

The CHAIRMAN. The gentleman from Colorado (Mr. WIRTH) has 3 minutes remaining, and the gentleman from Massachusetts (Mr. BOLAND) has 5 minutes remaining.

Mr. WIRTH. Mr. Chairman, I yield myself 3 minutes, and I intend to yield my final 5 minutes to the gentleman from Arizona (Mr. UDALL). It is my understanding that he will follow the gentleman from New York (Mr. GREEN).

The CHAIRMAN. The gentleman from Colorado (Mr. WIRTH) is recognized for 3 minutes.

Mr. WIRTH. Mr. Chairman, in closing, there are three points I would like to make.

First, we ought to lay the staff argument to rest once and for all. The April employment report from the EPA points out that they currently have 9,750 full-time employees. That is down almost 3,000 from where they were in 1981. Under last year's appropriation the ceiling that EPA must reach by September 30 is 700 employees below their current employment level. All that the current appropriations bill does is maintain us where we are right now.

The intent of the Wirth amendment is to give the EPA the resources necessary in terms of such functions as inspection, enforcement, and the kind of scientific capability necessary to go after all of the problems that have been raised here on the floor relating to toxic substances, chemicals, clean air, and so on—a set of problems that we know are legion.

The staff question raised by opponents of the amendment is simply specious. We are not adding 2,000 people to the rolls. We are maintaining the level where it is now, which is what the gentleman from Massachusetts (Mr. BOLAND) does, and adding further capability of somewhere between 750 and 1,000 people, depending on the discretion of the Administrator. We are not adding 2,000 people; we are adding only about one-third of the number that has been cut since 1981. So we are going to be well below the 1981 levels.

The second point I would like to make is that there has been a lot of wonderful talk about Mr. Ruckelshaus bringing in his budget. Has anybody seen it? What is David Stockman going to do with that budget? Mr Ruckelshaus has to go through David Stockman, and this is the same David Stockman who has ravaged EPA for the last 3 years.

Third, let us talk about our responsibility in the U.S. Congress. This is not left to Mr. Ruckelshaus; it is not left to David Stockman. This Congress found out about the problems in EPA. This Congress passed the legislation, and it is EPA's responsibility to carry it out. It is this Congress' role to remedy the problems that it discovered in EPA. This is not something we are going to blandly give away to somebody else.

The American people are asking this Congress to make sure that we have a clean environment, to make sure that we have a healthy environment. That is our responsibility. The exercise of that responsibility is this vote right now to strengthen the EPA and to demonstrate, as our colleagues on the other side have said they are going to do, that we take the strengthening of the EPA seriously.

Mr. Chairman, I would hope that my colleagues will vote for this very important amendment.

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

The gentleman from Massachusetts (Mr. BOLAND) has 5 minutes remaining, and that does not include the 5 minutes which the gentleman will have at the conclusion of the debate.

The Chair recognizes the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, this, of course, is a nice political issue. I know of no issue that is more political than the one we are facing now.

But there is a greater issue than this facing the American people, and that is the issue of whether or not our Government is going to survive at the rate it is spending money. This bill now is something like $9.4 billion over the administration's request in budget authority. This bill is about $79 million over in outlays for fiscal year 1984.

I am not looking for a political issue. What I am looking for is a bill, a bill that will be signed by the President, and one which will keep the Environmental Protection Agency moving forward.

If we do not get the bill signed, appropriations for EPA and these other agencies will be included in a continuing resolution, and a continuing resolution will keep funding at the 1983 level. Now, if the proponents of this amendment offered by the gentleman from Colorado (Mr. WIRTH) want that kind of a situation to prevail, I believe that is exactly what they will be facing. And I am afraid of that.

I have no quarrel with the arguments that have been used here by so many Members who support this amendment to show their concern for the environment. We all share that concern. We are all concerned about environmental quality, and I can understand the gentleman from Colorado (Mr. WIRTH) is perhaps more concerned in his State than those from a lot of other States in the Nation. And that can also be said for the gentleman from Tennessee (Mr. GORE) and Members representing other areas.

I appreciate and applaud their support of the EPA, but the EPA would not be functioning today if it were not for this committee. We have not had the needed authorizing legislation. There are 10 authorization bills needed for EPA, and 8 of the 10 will have expired before 1984. The only way we can keep the EPA running is through an appropriations bill, and that is what we are doing here.

Let me say to those who support the Wirth amendment that the gentleman's position is based on a figure that has been pulled out of the air from the budget resolution. The budget resolution recommends about $1.3 billion in this area for the regular operating programs of the EPA, exclusive of the $2.4 billion for the construction grants program and the $310 million for the Superfund. That assumption is about $200 million above the $160 million recommended by this committee for the Agency in total.

How did the Budget Committee arrive at that figure? Well, we are all familiar with it. Those Members on the authorizing committees are familiar with it. I am familar with it, as are all of the 13 chairmen of the subcommittees of the Committee on Appropriations. Before the conclusion of consideration on this particular area by the Budget Committee, some Members said, "Let's throw $100 million in there for good luck. Throw it in there for good luck, and we may be able to save a good part of the money when we get this bill to the floor."

This is the classic example of how not to appropriate funds.

□ 1240

This committee has spent considerable time and effort on EPA's budget.

We have made a sincere effort to fund these programs at substantially increased but reasonable levels: Salaries and expenses, research and development, and abatement, control, and compliance.

Someone has said we have seriously shorted the abatement and control section of this bill. Well, let me tell you the reason why we did not include the additional $151 million in abatement and control. The fact of the matter is that there are some good reasons for differences between the 1984 and the 1981 level. So far all the argument here has been targeted at returning to the 1981 levels for the EPA.

There are several programs that have been terminated by changes in authorizing legislation. For instance, the 1981 budget carried $23 million for pre-Superfund implementation. Of course, that is no longer needed since the Superfund program is now operational.

Similarly, the noise program no longer exists. That was $8 million.

Section 208 planning has fallen by the wayside. That was $33 million.

But the Wirth amendment does not pay any attention to that. It arbitrarily pegs the amount at the 1981 level and pays no attention to these important differences.

For research and development the Wirth amendment would add $23,600,000 above the $30,331,000 already added in the bill. There are some solid arguments for voting against the Wirth amendment. The most solid argument of all is that we have a deficit of $210 billion facing this Nation in fiscal year 1983 and $200 billion a year beyond that as far as the eye can see.

We have to have some fiscal responsibility around here. If you do not have it, you may not have an EPA at all.

The CHAIRMAN. Under the unanimous-consent request, the gentleman from New York (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN. Mr. Chairman, I rise in opposition to the amendment. I do so not because those amounts of money may not ultimately be required for EPA, but because I think this House ought to show William Ruckelshaus, the new Administrator of EPA, the simple courtesy, the simple decency, to let him look over his own agency, where he is newly confirmed as Administrator, and give him the opportunity to make his recommendations to us as to where additional funds may be needed. I can assure you that our subcommittee—including this Member—would expect to be very supportive of any request by Mr. Ruckelshaus for more funds.

This amendment may hit it right on the nose. Maybe every dollar it asks for is needed in exactly that amount and in exactly that place. But maybe it is not. The numbers appear to have been picked entirely arbitrarily. They may be too much. They may be too little. They may be in the right place. They may be in the wrong place.

It seems to me that we ought to have the courtesy to Mr. Ruckelshaus to get the benefit of his advice on that. We all know that EPA has been in shambles and that in that situation the President asked Mr. Ruckelshaus, a former Administrator of EPA, to leave a position which pays very much more and to come back to take the helm of EPA once again. There was nothing in that for Mr. Ruckelshaus. He has had the honor already. He is, as has been said on this floor, by proponents as well as opponents of this Administration, admired by all for his environmental role.

So he is doing this because of his love of the environment and because of his desire to get EPA once again on the right course.

Can we not have the decency, the courtesy, to allow him just a few weeks to take a look at the agency and tell us what his recommendations are?

I can assure you from my side of the aisle, and I think in this I speak for the whole subcommittee, that we would look at those recommendations with the utmost sympathy.

Obviously Mr. Ruckelshaus comes to us with enormous credibility in this area. Last week the bill was pending before the full Appropriation Committee, Mr. Ruckelshaus called the chairman of the subcommittee and he called me to ask us not to add anymore money beyond the increases our subcommittee had already provided. He was aware of the Wirth amendment and asked that it not be approved.

Just this week he sent to the chairman and me a letter that I would like to share with the Members. He said:

> I have followed the deliberations of your subcommittee and the full Appropriations Committee on the budget levels for the Environmental Protection Agency for fiscal year 1984. I understand there are amendments to be debated this Thursday on the floor of the House on further additions to the President's fiscal year 1984 budget request that go beyond the increases already recommended by your subcommittee and the full committee.
>
> I have now just started a process to review our fiscal year 1984 resource levels. As I previously indicated to you, once this review has been completed and I have discussed our resource needs within the administration, we will make the Congress aware of the agency's budgetary and manpower needs. I would consider it a personal courtesy.

Mr. Ruckelshaus wrote:

> If you could allow me an opportunity to complete this review and to present our recommendations at the appropriate time.

We have asked this man, Mr. Ruckelshaus, to take on this important responsibility under the most difficult circumstances. Can you not have it in your heart to yield to his request, to give him a few weeks to review the work of the agency and make those recommendations to us? Can you not today, as he has requested, defeat this amendment and give him a vote of confidence instead of a slap in the face?

Mr. WIRTH. Mr. Chairman, I yield our final 5 minutes to the gentleman from Arizona (Mr. UDALL), the distinguished chairman of the Committee on Interior and Insular Affairs.

Mr. WIRTH. Mr. Chairman, will the gentleman yield briefly?

Mr. UDALL. I yield to the gentleman from Colorado.

Mr. WIRTH. I thank the gentleman for yielding.

I just wanted to put to rest the discussion that occurred earlier that somehow, in the Budget Committee, $100 million or $200 million was flung at the problem.

I chair the Energy and Environment Task Force of the Budget Committee. We worked with all of the reports that came in from the three committees with jurisdiction over EPA: the Science and Technology Committee, the Public Works and Transportation Committee, and the Energy and Commerce Committee. Along with the gentleman from Massachusetts (Mr. DONNELLY), we worked with the recommendations of all of the subcommittee chairmen who have responsibility for EPA, all of whom are supporting this amendment.

So I would just want to make sure everybody understands that this amendment is crafted out of the requests that came from the subcommittees with jurisdiction.

I thank the gentleman for yielding.

Mr. BROYHILL. Mr. Chairman, will the gentleman yield briefly so that I may respond?

Mr. UDALL. I yield to the gentleman briefly.

Mr. BROYHILL. I just wanted to respond with respect to whatever recommendations came from the Committee on Energy and Commerce. They were never subjected to the full membership of that committee for their consideration, so we have no idea as to what some individual member of that committee dreamed up to send recommendations over to the Budget Committee.

Mr. WIRTH. If the gentleman would yield, all we have to deal with in the Budget Committee are requests that come from the committees, and that included the requests that came from the gentleman from Michigan (Mr. DINGELL), chairman of the Committee on Energy and Commerce.

Mr. UDALL. I have almost blindly followed the leadership of the gentleman from Massachusetts in the years that I have been here. I have been

tempted when I had a minimum of time and come on to the floor to see what is behind "BOLAND," "Yes," or "No," and vote with him, and I will be right about 98 percent of the time. He has been, as was said, one of the great environmental leaders here in the House, and you cannot fault his record, and I would not try to and regret having to oppose him on this issue.

We have said it all here today. I think Mr. Ruckelshaus has got a new job. He wants the tools to do it, and clearly he inherits a decimated agency.

I think there are going to be other opportunities to help him with further appropriations. There is something called a conference committee and this House Chamber is always available if we have some requirement to give Mr. Ruckelshaus and EPA some more money.

I think we help him and not harm him when we show once again today how very strongly this House and the American people support the environmental legislation.

Our society hangs together, when it does, by institutions, the big corporations, great universities, State government—you name it.

□ 1250

And there is something about these great institutions, any great institution; you cannot see it, but it is vital; you cannot measure it, but it is there; it is called morale.

You can take a platoon of 100 soldiers who have morale, that thing you cannot quantify, and they will beat twice or three times their number.

This agency is decimated, it needs not only rebuilding in positions and programs but in terms of people.

We had, about a year ago—a year and a half ago—out in Denver under the Strip Mining Act, we had a regional office to help the small businessman who wanted to mine coal but did not have the hydrologists and engineers and other experts. The first thing they did was to come in, fire the good people, reorganize, send important functions to Casper, Wyo., where people could not get there and get help. The Agency was heavily damaged.

We had recruited engineers, scientists, water pollution specialists from all over the country and set up a really model office. This is the kind of thing that has gone on down at EPA during the past 2½ years. The Agency is crippled. It almost needs mouth-to-mouth resuscitation which I hope Mr. Ruckelshaus can give.

So, I rise today to support the Wirth amendment. I do not get into any argument about how much is involved here, I leave that to the experts. We have made significant steps toward cleaning up our environment this last decade. Clean Air Act, Clean Water Act, Hazardous Wastes Superfund, Resource Conservation and Recovery Act, have all served as milestones for environmental policy.

This did not come about, and this support does not continue because of some radical policymaker in Washington; this continues as the demand of the American people who want pollution-free environment.

Public support for environmental laws has not softened. In poll after poll, the American people have made clear that their firm commitment to clean air and clean water protection from hazardous waste is undiminished. Indeed, the polls show when you ask people—Independents, Republicans, Democrats—all kinds of people, "Would you be for environmental cleanup even if it cost a few jobs?" They have said consistently, the American people, they want these kinds of laws and want them enforced. You do not have to choose between the national park and having a job in our society; if we are wise, we can have both. I think we move in that direction if we support this amendment.

We have seen in the past 2 years a deliberate systematic dismantling at EPA. The agency has failed to do the job it was created for. But let me give you just a couple of examples before my time runs out.

Roughly two-thirds of all pesticides now in use, two-thirds of all pesticides, have been inadequately tested to determine whether they cause cancer, genetic mutations, or birth defects.

Mr. Chairman, I urge an "aye" vote on the Wirth amendment. I think it is not only good politics but it is good public policy.

● Mr. MINETA. Mr. Chairman, in what will be one of the most important environmental votes of the year, I am supporting H.R. 3133, the HUD-independent agencies appropriations bill, with the addition of an improving amendent. This amendment, offered by the gentleman from Colorado, Mr. WIRTH, is a crucial measure to maintain the integrity of our Nation's environmental laws. H.R. 3133 must be amended to appropriate more funds to the crippled Environmental Protection Agency. A significant financial boost will demonstrate congressional commitment to rebuilding EPA. The amendment adds $220 million to the Agency's operating budget and I urge my colleagues to join me in passing it.

As it stands now, H.R. 3133 does not adequately address the needs of EPA in fiscal year 1984. The bill would not restore the massive budget cuts of the past 2 years, and would freeze the Agency's operating budget at its fiscal year 1983 level. Enforcement of the Clean Air Act, Clean Water Act, Toxic Substances Control Act, and other key environmental statutes would continue to suffer. Research and development efforts, especially into the health effects of pollutants, would be hit particularly hard. Grants to States, where often 85 percent of the field work is carried out under the Clean Air Act and other laws, would still be 14 percent below their 1981 levels. Quite simply, EPA would not be able to do its job.

Despite the good intentions of Mr. Ruckelshaus and his staff to rebuild the Agency and get it back on track, without adequate funding, environmental cleanup and compliance will continue their downward spiral into oblivion. Public opinion polls show that the citizens of the United States, our constituents, desire strong standards of environmental protection, and a majority feel our laws should be made even tougher. The Wirth amendment would uphold this will of the people and give a restorative shot in the arm to an essential branch of Government.

First, a $45 million increase in H.R. 3133's salaries account will allow EPA to bring its staff levels back to those of 1981, taking into consideration the effects of inflation. Second, the addition of $23 million for research and development, though still short of the fiscal year 1981 level, will step up studies of toxic substances, hazardous wastes, and pesticides to help us know how they can best be regulated. And third, abatement, control, and compliance will be increased by $151 million to assist State environmental programs and enforcement.

These requests are relatively modest, but crucial steps toward restoring the quality and effectiveness of EPA, an Agency with a solid record of achievement before the current administration decided to obliterate it. I ask my colleagues to vote for a strengthened EPA, an EPA which will regain our trust and be able to carry out its mandate. It is not too late to rebuild, and this is the best way we can begin.●

● Mr. STARK. Mr. Chairman, over the last 2 years, we have watched as the Agency set up to be our environmental watchdog, collapsed due to excessive budget cuts. This current appropriations bill only continues those crippling cuts.

My colleague, Mr. WIRTH, has provided us with a vehicle by which we can reestablish the Environmental Protection Agency as just that, the Agency within our Government that we can trust to protect our environment. The last several years have not given us much reason to place our trust in the EPA. But much of that was due to the severe lack of resources the Agency had to work with. It is our responsibility to see that that does not continue.

The Wirth amendment is the first step toward solving these budgetary problems. If we do not show the people of this country that we sup-

port, and believe in, the work done by the EPA, we cannot expect them to make it a high priority either. And the only way to insure the protection of our environment is for all of us to work together.

I urge my colleagues to support the Wirth amendment.●

● Mr. KOLTER. Mr. Chairman allow me to take this opportunity to go on record to support representative Wirth's ammendment, H.R. 3133, to restore the EPA's operating budget to its fiscal year 1981 level of $1.3 billion versus the proposed cut to $949 million by the Reagan administration.

The EPA was created by the Reorganization Plan No. 3 of 1970, to coordinate the pollution control activities of the Federal Government. Over the years their focus has changed from general environmental protection to the protection of public health primarily due to increasing concern over toxic substances. Public interest and encouragement for the EPA as a necessary agent remains prominent.

As Members of Congress, we have the privilege and responsibility to represent Americans and insure their well-being as top priority.

The EPA's operating program provides funding for research, regulation, development, enforcement, and overhead activities—excluding waste treatment, grants, and Superfund. Cutting the operating fund approximately 9 percent from fiscal year 1983 will mean less funding for salaries, administrative expenses, contracts, State and university grants. These serve as the backbone of the EPA's pollution control efforts, which obviously contradicts Mr. Reagan's assurance that the reductions in staffing and funding will not affect any of the substansive pollution efforts at both State and Federal levels.

By cutting their operating budget to the proposed $949 million, all aspect of the EPA will become crippled. It is imperative for Mr. Ruckelshaus' administration to have the increased funding as Mr. WIRTH proposes to modify and strengthen the existing programs.●

● Mr. LEVINE of California. Mr. Chairman, the Environmental Protection Agency (EPA) has been the subject of much criticism and controversy for its failure to adequately protect and preserve our environment. Its credibility has been shattered and it is now struggling to regain the stature it once had.

Public support for a forceful environmental protection program in this country is stronger than ever. A 1982 Harris survey showed that Americans favor enforcement of the current Clean Air and Clean Water Acts by the overwhelming margin of 85 to 10 percent.

Without adequate resources, however, EPA cannot do the job it was established to do. Since 1981, the Agency's operating budget has been cut by 24 percent. Although the Appropriations Committee added funds to the administration's paltry request, money for enforcement of clean air, clean water and other statutes would still remain 43 percent below the fiscal year 1981 level. And, grants to States would be held to a level below that of fiscal year 1981.

This additional committee funding is a step forward, but it is not enough. I strongly support the amendment proposed by the distinguished gentleman from Colorado, Representative TIM WIRTH, to restore EPA's operating budget back to its fiscal year 1981 level. The operating budget is used for pollution control, compliance, enforcement, research and development in the areas of air and water quality. drinking water, hazardous waste, pesticides, radiation, and toxic substances. For EPA to regain its credibility and move ahead in all of these areas at the same time, the increased funding provided for by the Wirth amendment is crucial.

EPA is currently operating with only two-thirds of its staff in place; morale is low and enforcement of regulations is weak. The Wirth amendment targets $45 million for salaries to begin replacing key personnel who have been let go since 1981. It increases research and development funding by $23 million; and abatement, control, and compliance money by $151 million.

This funding is vital to my home State of California, particularly to the southern California region, which continues to suffer from severe air pollution problems. As a member of the California State Legislature, I fought for stronger air pollution laws and tougher compliance regulations. This amendment will be a small step forward in the right direction.

Mr. Chairman, it is critical that we pass the Wirth amendment. We cannot be content to provide EPA with enough money merely to survive. We must think of our future and that of our children.●

● Mr. MARKEY. Mr. Chairman, I rise today to express my support for Mr. WIRTH's amendment to restore adequate funds to the Environmental Protection Agency. After 2 years of suffering under a leadership who was unwilling to carry out the environmental laws of our country, and 2 years of watching EPA being dismantled through budget cuts and staff cutbacks, it is time Congress give the new leadership at EPA the resources to fulfill their duty of protecting the environment and protecting the American people.

The amendment offered by Mr. WIRTH is not an extravagant, budget-busting amendment. This amendment will merely bring the EPA budget up to the level it was in 1981 before the so-called Reagan revolution came in and tried to overthrow the environmental laws of our country.

For 2 years we have fought hard with EPA officials to see that our laws are carried out. For many of us it has been a frustrating affair involving closed-door hearings, subpenas, contempt citations, and resignations. But I think I express the sentiments of my colleagues when I say that I hope the debacle of the EPA is over. I hope a new day has arrived where we can place confidence in the EPA Administrator to move above partisan politics in order to protect the citizens of this Nation. I hope the time has come where we can begin rebuilding the EPA.

This goal can only be accomplished if the new EPA management has the resources to rededicate the EPA to protecting the environment. Since 1981 the EPA budget has been cut by 24 percent. Research and development has been cut 43 percent; allocations for the important Enforcement Account have been slashed 31 percent; and the States grant account is down 14 percent. Today we are suffering as a result of these inopportune and unwise budget cuts. Today, citizens living near hazardous waste sites, people living in counties that have not complied with the Clean Air Act, and areas facing the permanent damage of acid rain are suffering from these budget cuts. In every facet of our environment, our people and our resources are suffering from the budget cuts achieved by the Reagan administration since it has been in office.

But today we can begin to rebuild the stature of the EPA as a protector of the people and the environment. We can reverse the sorry record the EPA has made for itself under the Reagan administration. But to accomplish this EPA needs funds and staff to carry out its programs. The appropriation reported by the committee makes some effort to advance the work of the Agency by adding 700 new positions. These positions are needed and I applaud the committee for this provision. But these new positions will not be translated into additional environmental protection without matching increases in the program accounts used to administer these programs.

I do not think my colleagues need many examples of areas where the EPA has been slow, if not negligent in responding to the environmental needs of our country. The acid rain issue, which has left permanent damage on many areas of the Northeast and possibly on United States-Canadian relations, cries out for coordinated EPA action—in terms of research as well as concrete action. Enforcement of the Clean Air Act also has not been a high priority of the EPA, as it should be. And we all have

witnessed the shambles of the Superfund program which has been an embarrassment to this administration and anyone who cares about environmental protection.

In my district, the Woburn waste site has been listed as a priority site for many months. But to date no action has been taken to clean up the site. I understand that there are many sites that need attention but EPA lacks the staff to meet the present danger these sites represent. This amendment will provide necessary funds for EPA to carry out its charge of enforcing environmental laws and providing research so Federal and State governments can carry out our important environmental laws.

I encourage my colleagues to take this first step in rebuilding the EPA. This amendment is needed to insure protection for our environment and our fellow citizens. Protecting the environment is money well spent. To turn your back on this amendment and vote no would be an abandonment of the environmental ideals which we have put in law and to which the EPA is dedicated.●

● Mr. BEILENSON. Mr. Chairman, public confidence in the Environmental Protection Agency's ability to monitor air and water quality, to detect trouble spots, and to promote pollution control has slipped badly in the past 2 years. That loss of confidence is the result, in part, of the recent management problems at EPA; but a more persistent reason is the Reagan administration's support for budget cuts and relaxed pollution control standards.

The naming of William Ruckelshaus by the administration as EPA Administrator is a positive step that will strengthen management at the Agency and help restore public trust. Unfortunately, the administration has been unwilling to recognize the equally serious problem of inadequate funding. The President has proposed further budget cuts at a time when such cuts would only inflict greater damage. Already EPA's operating budget has been cut by nearly one-quarter since 1981, and the reduction is even greater when inflation is factored in. Staffing at EPA is down by one-quarter since 1981, and the Agency's research and regulatory effort has been pared substantially.

Congress should rebuff the administration's continuing assault on EPA. I speak today in strong support of the amendment, offered by my distinguished colleague from Colorado, to restore EPA's operating budget to its fiscal 1981 level. This amendment would raise EPA's operating budget for fiscal 1984 to $1.3 billion, a level that is within the guidelines set by the House budget resolution. This additional money—$220 million—will fund EPA operations at a level which will adequately safeguard public health. The need for funding restraint is well recognized, but this increase is not excessive.

The addition of $45 million to EPA's account for salaries and expenses is necessary to allow the Agency to restore many of the staff positions that have been sacrificed since 1981. The salary and expenses account supports the administration of all EPA programs, except the Superfund, and this additional funding is needed to assure that EPA has the work force and the expertise it needs to carry out its mission. The money would be well spent.

The addition of $23 million for research and development is warranted just as strongly. EPA's budget for R&D this year is less than half of what it was in 1981. Funding cuts have seriously crippled research into the health effects of exposure to air pollution, water pollution, and toxic materials, at a time when the need for research has increased as a result of recent statutes regulating hazardous waste and pesticide use and disposal.

Perhaps most important, however, is the addition of $151 million for EPA's abatement, control and compliance efforts. The States do much of the field work required for the enforcement of this Nation's most basic environmental protection laws, yet support for pollution control at the State level has been reduced sharply since 1981. Additional grant support and technical assistance is needed.

The EPA promotes a clean environment for today and for the future by coordinating the Federal attack on pollution. The Agency funds basic research and promotes State and local cooperation in the effort to control pollution. EPA bears the responsibility for defending against hazardous waste contamination, air and water pollution, radiation, and other dangers. I support the Wirth amendment to restore this agency's funding to its 1981 level, and strongly urge my colleagues to do the same.●

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Massachusetts (Mr. BOLAND) is recognized for 5 minutes to conclude the debate.

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

Mr. BOLAND. I am delighted to yield to the gentleman from Michigan (Mr. ALBOSTA).

Mr. ALBOSTA. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the subcommittee chairman.

Mr. Chairman, I wish to state my support for Chairman Boland's appeal to approve the funding level for EPA provided in H.R. 3133, the HUD-independent agencies appropriations bill. While I agree wholeheartedly with my many colleagues who state that the EPA has been severely affected by its drastic funding cutbacks and that more resources are needed, I do not believe that hastily increasing EPA's funding level is the way to restore the Agency's credibility and effectiveness.

The new EPA Administrator William Ruckelshaus deserves time to submit his own budget requests for consideration. We have placed great faith in his ability to rebuild the EPA, and he should have time to prepare his own reorganization proposals. Additionally, we should pass a bill which the President will approve; otherwise, the EPA will suffer even more by having no budget at all.

EPA does need increased resources, but such decisions should be made with Bill Ruckelshaus' own recommendations in mind. I believe the Administrator will request additional resources in recognition of the sad state of affairs at the EPA, and I will favorably consider such requests at that time.

Mr. BOLAND. I thank the gentleman from Michigan.

Mr. Chairman, all of us here, every Member in this body, every Member of the House of Representatives, wants to see the environment cleaned up. I do not think any one of us has any particular objection to the arguments that have been made by the gentleman from Colorado and his supporters with respect to what we ought to do regarding the environment.

The question is how do you do it best? What is the most efficient way to do it? No one quarrels with the arguments that have been made here about the problems at EPA over the past couple of years. We are all aware of that.

But you are not going to clean it up by throwing a lot of money at the problems at this point in time.

The gentleman from Arizona, my long and good-time friend, Mr. UDALL has indicated that this committee has been a champion of the environment over the years. Considering the problems with EPA's authorization bills, there would not have been any EPA programs at all if it had not been for the action this committee has taken.

Let us look for a minute at the 1983 budget. If you will remember the administration wanted to RIF better than 400 people from the EPA. The 1983 appropriation bill saved those 400 positions. The budget resolution did not save those positions; the authorizing legislation certainly did not save those positions, because there was not any authorizing legislation.

In the real world, the Appropriations Committee has provided the only tangible help to the Agency, because we get our bills signed. That is exactly what we are looking for this year. And if we load this bill down with a lot of add-on's, whether it is here or in the Senate, we will not have a bill.

Let me tell you again that if that happens we will end up in the continu-

ing resolution and this Agency will operate at the 1983 level.

What about Administrator Ruckelshaus? He was the first Administrator when the EPA was pulled together in 1971 from a number of other functions within the Government. I know of no man who has come to the service of the Federal Government with more power, more backing than he has. I know of no man who is in a better position to straighten out the problems at the EPA than Mr. Ruckelshaus. I talked to him on the phone the other day as did the distinguished gentleman from New York (Mr. GREEN). We have a letter from him indicating that he is now looking at the additions we have made; $160 million is a substantial addition and so is the 700 positions in the operating programs of the EPA and 100 positions in the Superfund. He is now reviewing his resource requirements.

Mr. GREEN and I have indicated to him that if he needs more money for the EPA to do the job it has to do as mandated by the Congress, he will get that money. If there is a recommendation or a budget amendment that comes up from the Administrator, Mr. Ruckelshaus, we are going to get a good look at it and I am sure that that recommendation will be looked at favorably by the subcommittee.

So, what we are looking at here, Mr. Chairman, is whether or not we are going to take a $200 million plus addition above the increase already provided in the bill.

That would give EPA another 1,200 staff years. There is no way in the world that the EPA can fill that many positions. There is no way in the world they are going to get them anyhow, because the allocation of those positions is made by the Office of Management and Budget.

And, so, Mr. Chairman, I think that the Members who are sitting here and those who are following this on the TV monitor, ought to say to themselves: We have a responsibility not just to the EPA, but we have a responsibility to the American public as to how we spend our money.

Let me underscore that this amendment is the classic way, the classic way, of how not to appropriate funds for any agency. I would hope that the full membership of this House would support the subcommittee with the $160 million add-on that we have provided and the 800 positions that we have provided.

Mr. Chairman, may I thank the gentleman from Colorado (Mr. WIRTH) for his leadership in support of his amendment and may I also thank those of us who have participated in what I think has been a fine debate here today in a very important and very serious matter. I am delighted to yield to my friend, (Mr. WIRTH).

Mr. WIRTH. I wanted to reciprocate to the gentleman from Massachusetts who has over the years held the line of EPA—not enough in my opinion—but we do appreciate all the good work he has done on their behalf.

Mr. BOLAND. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

Before putting the question, the Chair would simply state, not with specific reference to anything that has been said, but would admonish Members to address the Chair and not address Members watching television sets and television monitors during the course of debate.

The question is on the amendments offered en bloc by the gentleman from Colorado (Mr. WIRTH).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 167, not voting 65, as follows:

[Roll No. 147]

AYES—200

Ackerman
Addabbo
Alexander
Anderson
Andrews (TX)
Aspin
Barnes
Bates
Bedell
Beilenson
Biaggi
Boehlert
Boner
Bonior
Borski
Bosco
Boucher
Boxer
Britt
Broomfield
Brown (CA)
Bryant
Carper
Carr
Chandler
Clinger
Coelho
Coleman (MO)
Cooper
Coughlin
Courter
Coyne
D'Amours
Daschle
Davis
Dellums
DeWine
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dymally
Eckart
Edgar
Edwards (CA)
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Foley
Ford (MI)
Ford (TN)
Fowler
Garcia
Gaydos
Gejdenson
Gephardt
Gilman
Glickman
Gonzalez
Gore
Gray
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Harrison
Hefner
Hertel
Horton
Jeffords
Johnson
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
LaFalce
Lantos
Leach
Lehman (CA)
Leland
Levin
Levitas
Lipinski
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Markey
Martin (IL)
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Moakley
Molinari
Mollohan
Moody
Morrison (CT)
Mrazek
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Ottinger
Owens
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Rangel
Ratchford
Reid
Richardson
Ridge
Rinaldo
Roe
Rostenkowski
Roth
Roukema
Rowland
Russo
Savage
Scheuer
Schneider
Schroeder
Schumer
Sensenbrenner
Shannon
Sharp
Shelby
Sikorski
Simon
Skelton
Slattery
Smith (FL)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Studds
Swift
Synar
Tallon
Tauke
Thomas (GA)
Torricelli
Towns
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Waxman
Weaver
Weber
Wheat
Whitley
Williams (MT)
Wirth
Wise
Wolpe
Wyden
Yates
Yatron
Zablocki

NOES—167

Akaka
Albosta
Annunzio
Anthony
Applegate
Archer
Barnard
Bartlett
Bateman
Bennett
Bereuter
Bethune
Bevill
Bilirakis
Bliley
Boggs
Boland
Breaux
Brooks
Brown (CO)
Broyhill
Burton
Byron
Campbell
Cheney
Clarke
Coats
Coleman (TX)
Conable
Corcoran
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
de la Garza
Dreier
Duncan
Dwyer
Dyson
Early
Edwards (OK)
Emerson
English
Erlenborn
Fiedler
Fields
Forsythe
Franklin
Frenzel
Fuqua
Gekas
Gingrich
Goodling
Gramm
Green
Hall, Ralph
Hall, Sam
Hammerschmidt
Hance
Hansen (ID)
Hatcher
Hightower
Hiler
Hillis
Hopkins
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Jones (NC)
Jones (OK)
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Leath
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marriott
Martin (NC)
Martin (NY)
Mavroules
McCandless
McDonald
McEwen
Michel
Miller (OH)
Montgomery
Moore
Moorhead
Murphy
Murtha
Myers
Natcher
Nichols
O'Brien
Olin
Oxley
Packard
Parris
Paul
Pickle
Porter
Quillen
Ray
Regula
Ritter
Roberts
Robinson
Roemer
Rogers
Rose
Roybal
Rudd
Sawyer
Schaefer
Schulze
Seiberling
Shaw
Shumway
Skeen
Smith (IA)
Smith (NE)
Smith, Robert
Snyder
Solomon
Spence
Stangeland
Stenholm
Stokes
Stump
Sundquist
Tauzin
Taylor
Thomas (CA)
Walker
Watkins
Whitehurst
Whittaker
Whitten
Williams (OH)
Winn
Wolf
Wortley
Wright
Wylie
Young (FL)
Young (MO)
Zschau

NOT VOTING—65

Andrews (NC)
AuCoin
Badham
Berman
Bonker
Carney
Chappell
Chappie
Clay
Collins
Conte
Conyers
Craig
Crockett
Derrick
Dickinson
Dicks
Edwards (AL)
Florio
Foglietta
Frank
Frost
Gibbons
Gradison
Hansen (UT)
Harkin
Hartnett
Hawkins
Heftel
Holt
Howard
Jones (TN)
Kazen
Kolter
Kostmayer
Lehman (FL)
Levine
Lloyd
Marlenee
Martinez
McCain
Mica
Mitchell
Morrison (WA)
Nielson
Panetta
Pashayan
Price
Pritchard
Pursell
Rahall
Rodino
Sabo
Shuster
Siljander
Sisisky
Smith, Denny
Stratton
Torres
Traxler
Vander Jagt
Vucanovich
Weiss
Wilson
Young (AK)

□ 1310

The Clerk announced the following pairs:

On this vote:

Mrs. Lloyd for, with Mr. Sisisky against.

Mr. Rahall for, with Mr. Nielson of Utah against.

Mr. Rodino for, with Mr. Denny Smith against.

Mr. Howard for, with Mr. Shuster against.

Mr. Kostmayer for, with Mrs. Vucanovich against.

Mr. Crockett for, with Mrs. Holt against.

Mr. Derrick for, with Mr. Siljander against.

Mr. Mitchell for, with Mr. Craig against.

Mr. Hawkins for, with Mr. Chappie against.

Mr. Frank for, with Mr. Badham against.

Mr. Bonker for, with Mr. Hansen of Utah against.

Mr. TAUZIN and Mr. ROEMER changed their votes for "aye" to "no."

Mr. GUNDERSON and Mr. VOLKMER changed their votes from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the pending paragraph?

AMENDMENT OFFERED BY MR. ROE

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

The Clerk read as follows:

Amendment offered by Mr. ROE: Page 15, line 3, strike out "$370,375,000" and insert in lieu thereof "$375,375,000".

Page 15, line 4, strike out "*Provided,*" and insert in lieu thereof "*Provided,* That $5,000,000 of such funds may be expended only for activities under section 314 of the Federal Water Pollution Control Act; and *Provided further,*".

□ 1320

Mr. ROE. Mr. Chairman, in view of the action that has been taken by the House, in reporting to my colleagues here, my amendment as printed in the RECORD would have requested an addition of $5 million to the EPA appropriation for activities under the clean lakes program. It is a relatively modest amendment. The funds, if approved, as we look at it from the authorizing committee, would be, in effect, a bridge.

It is important that the Members listen to this because it is going to have a bearing on how they vote, I would assume. In view of the fact that the Wirth amendment has passed, it changes in context somewhat the amendment that we had offered through the Committee on Rules to add $5 million to the EPA appropriation for activities under the clean lakes program. In view of that amendment, I am going to ask for unanimous consent to modify this amendment after I present it to the House, which would then conform with the Wirth amendment.

This amendment would provide $5 million to EPA appropriations for activities under the clean lakes program. The clean lakes program, as authorized by section 314 of the Federal Water Pollution Control Act, authorizes the Administrator of the Environmental Protection Agency to provide financial assistance to States in the form of grants of up to 70 percent to carry out methods and procedures to control sources of lake pollution and restore the quality of our lakes.

The lakes, we know now, are an integral part of our Nation's water supply, and it is an extremely important program under section 314 of the Water Pollution Control Act. It carries the continuity between the authorizing committee and the Committee on Appropriations in view of the fact that the Committee on Public Works and Transportation, Subcommittee on Water Resources Development, will be holding its hearings within 2 weeks time on the reauthorization of the Clean Water Act.

This section 314, known as the clean lakes section of the program, has resulted in the restoration of more than 100 seriously degraded lakes. Since the program's inception, 115 implementation projects have been funded, as well as 114 diagnostic feasibility studies and 43 State lakes classification studies. While a great deal has been accomplished, much remains to be done. There are still 39 projects that need implementation funds and 112 which will need feasibility studies money.

Our Subcommittee on Water Resources intends to begin hearings, as I mentioned before, in the near future on possible amendments to the Federal Water Pollution Control Act. It is our intent to extend the authorization of the clean lakes program.

The amendment which I will offer will provide $5 million in allocation as presented under the Wirth amendment for the year 1984 to continue funding of the program while our committee and the Congress determine an appropriate new authorization level. Moreover, the amendment will preserve the viability of the program and maintain our commitment to the restoration of the quality of the Nation's water.

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

Mr. ROE. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of the amendment being offered by the gentleman from New Jersey, the chairman of our Water Resources Subcommittee (Mr. ROE).

The clean lakes program, authorized in section 314 of the Federal Water Pollution Control Act, has demonstrated and is continuing to demonstrate that the principal causes of our lake pollution problems can be identified, and comprehensive, cost-effective solutions can be developed and successfully implemented for most of our lake problems. We must continue this important environmental program, and that is what the gentleman from New Jersey's amendment is designed to accomplish.

Mr. Chairman, it might be worthwhile to note a few facts. Approximately 99 percent of our Nation's population lives within 50 miles of a publicly owned freshwater lake. Roughly one-third of us live within 5 miles of a lake. These numbers help bring into focus, I believe, how many of us are potentially affected by the need to restore and maintain the quality and environmental value of these important waters.

Another important fact concerning this program comes from a recent study evaluating U.S. EPA's clean lakes program. That study showed that every Federal dollar invested in clean lakes projects is returning $8.30 in benefits that could be identified and additional amounts in benefits that are more difficult to quantify. The clean lakes program has truly been an excellent investment of Federal dollars, both in terms of economic and environmental returns on that investment.

Third, Mr. Chairman, we have all become more aware of the need to address various aspects of the acid rain pollution problem that is increasingly threatening our environment. The Clean Water Act's clean lakes program is the only program currently in place and operating today which attempts to deal with at least the lake pollution aspect of this problem on an immediate basis. It would be a bad decision, even a foolhardy one, to abandon this program now at a time when our need for it has probably never been greater.

Mr. Chairman, in the Public Works Committee's views and estimate report to the Budget Committee a few months ago it was pointed out that the committee is aware of no adequate State substitute for the very cost-effective clean lakes grant program, funding for which should be continued in fiscal year 1984. That statement is as true today as it was then and sums up quite well why the amendment being offered this morning should be overwhelmingly supported. I urge adoption of the amendment.

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

Mr. ROE. I yield to the distinguished chairman, the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

Mr. Chairman, the clean lakes program, of course, is a very popular program. It is one that this committee has supported over the years. In fact, this committee has kept this program

alive by appropriating some $12 million over the past 2 years.

The funding for the clean lakes program was not included in this bill because we did not feel comfortable, really, in starting work on a new set of projects without authorizing legislation. The chairman of the authorization subcommittee has indicated that they are working on this and a bill will be reported which will authorize this legislation.

I am persuaded by the argument of the gentleman from New Jersey that the prospects for reauthorization for this program are excellent, as well as reauthorization in the Senate. I have no objection to the $5 million add-on for the clean lakes program.

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

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

Mr. GREEN. I thank the gentleman for yielding.

Mr. Chairman, for the reasons stated by our distinguished subcommittee chairman, I, too, am happy to accept the amendment.

Mr. ROE. Mr. Chairman, in order to have the continuity of this amendment match up to the action that was taken by the Committee just previously on the Wirth amendment, I ask unanimous consent to strike the first sentence of my amendment.

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

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. ROE) as modified.

The amendment, as modified, was agreed to.

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

Mr. Chairman, I would like to have a short colloquy with my friend, the gentleman from New Jersey (Mr. ROE), to ask him a question.

The clean lakes program has shown numerous success stories, yet more needs to be done. There is a lake on the White River in Arkansas, Beaver Lake, that may be developing a potentially severe pollution problem. Its difficulties stem from nutrients and other pollutants. It is my hope that the clean lakes program can provide help and prevent this situation from becoming worse.

Would you speak to that problem, Mr. Chairman?

Mr. ROE. If the gentleman will yield, I think I would agree with him completely. I believe the investigation and solutions for problems at Beaver Lake, which we have discussed before, and similar impoundments, should be pursued under the clean lakes program. I believe we should also pursue this further during the Committee on Public Works and Transportation hearings when we take it up under the Clean Water Act.

Mr. HAMMERSCHMIDT. I appreciate the gentleman's support and look forward to working with you and the ranking member on the Subcommittee on Water Resources, Mr. STANGELAND, on these hearings.

□ 1330

Mr. MONTGOMERY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to commend the members of the Appropriations Committee and especially the efforts of the chairman of the Subcommittee on HUD-Independent Agencies, the distinguished gentleman from Massachusetts, Mr. BOLAND, and the ranking minority member of the subcommittee, the distinguished gentleman from New York (Mr. GREEN), for the work they have done on this bill as it relates to the Veterans' Administration.

The bill contains $24.8 billion in new budget authority to operate programs administered by the Veterans' Administration in fiscal year 1984. It contains the amounts requested by the administration to fund the compensation, pension, insurance, and readjustment benefits programs.

It should be noted, Mr. Chairman, that the bill contains an appropriation of $6,078,000,000 for medical care—$20 million more than had been proposed by the administration. The medical care budget assumes $31,400,000 and 552 staff-years for the vet center program. This is the same level as provided in fiscal year 1983. The Committee on Veterans' Affairs recently extended the vet center program for an additional 3 years and I am delighted that the Appropriations Committee continues to give the program a high priority for the coming fiscal year. I concur with the Appropriations Committee that the staffing of these centers should be reviewed and adjustments made where necessary.

I want to commend the committee for language contained in the committee report on page 47 concerning the inability of the Veterans' Administration to provide outpatient services for all eligible veterans. Mr. Chairman, a recent survey conducted by the Committee on Veterans' Affairs indicates that many VA hospitals are experiencing a tremendous increase in the number of outpatient visits from the last fiscal year. We are finding that many veterans who have lost their jobs have also lost their health insurance and have no place to go except the Veterans' Administration for their health care needs. With current funds allocated for outpatient purposes, the VA cannot possibly take care of the demand at most hospitals. I am glad to note that the Committee on Appropriations is urging the VA to review the proposed utilization of funds to determine if, within available resources, additional money should be allotted for outpatient services. I am most pleased to note that the committee is also urging the Veterans' Administration to allow medical facility directors maximum flexibility in the use of allocated funds. I believe these are good suggestions and it is my hope that the Administrator of Veterans' Affairs and the chief medical director will move to carry out the direction given to them by the Appropriations Committee.

I am delighted that the committee has seen fit to increase the medical and prosthetic research budget by $6 million during the next fiscal year. If enacted into law, this subfunction will total $162,325,000 in 1984. Included is $1,500,000 for rehabilitative research. I am pleased to see this minimum amount of funds set aside for prosthetic research. Disabled veterans have, for a long time, recommended that this be a line item in the budget and I am glad to see that the committee has seen fit to earmark a minimum amount for this purpose.

The construction budget, both for major and minor projects, seems adequate. For the second year in a row we will have one of the largest construction budgets in VA's history. We must continue to upgrade VA medical facilities.

Mr. Chairman, I am delighted with the colloquy that took place on the floor between the very able chairman of our Subcommittee on Housing and Memorial Affairs, the distinguished gentleman from Alabama, Mr. SHELBY, and the distinguished chairman of the HUD-Independent Agencies Subcommittee, Mr. BOLAND, concerning the $7 million reduction in general operating expenses in this bill. Based on a recent survey conducted by our committee, many loan guaranty offices are experiencing problems in processing new home loan applications and refinancing requests. In addition, workloads have increased tremendously, as well as the number of loan foreclosures. Something must be done to provide the loan guaranty offices with much needed relief. I am pleased with Mr. BOLAND's response that the Veterans' Administration would experience some savings from its rental of space from the General Services Administration and these funds could be used to help the situation somewhat. In addition, I noted that the chairman has assured us that if additional funds are necessary, he would give every consideration to restoring the $7 million in any conference agreement reached with the other body.

In regard to the foreclosure problem, I am pleased to note that the committee has included bill language to allow such amounts as may be necessary from the direct loan revolving

fund to be allocated to implement a bill the Committee on Veterans' Affairs recommended and which was passed by the House to provide mortgage relief assistance.

Mr. BOLAND and Mr. GREEN have always been most sympathetic in providing for the needs of our Nation's veterans, and as usual this bill does a most adequate job in that regard. I thank all members of the appropriations Committee for the time and attention they have given meeting those needs in this bill.

Mr. ALBOSTA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the subcommittee chairman, the gentleman from Massachusetts (Mr. BOLAND).

Mr. Chairman, I would like to take this opportunity to ask the distinguished chairman of the Appropriations Subcommittee on HUD-Independent Agencies a question concerning the $4 million earmarked for EPA monitoring and study of the dioxin problem in Missouri and Michigan in House Report 98-223 accompanying H.R. 3133. It is my understanding that a comprehensive dioxin study proposal by EPA is now awaiting final approval by Administrator Ruckelshaus before being sent to Congress for funding. My question for the gentleman from Massachusetts is whether any EPA dioxin study proposal that might be submitted to Congress in the near future can be integrated with the dioxin study directed by the Subcommittee on HUD-Independent Agencies as the EPA appropriations bill proceeds through Congress and whether any additional funds that might be necessary for this dioxin study proposal can be included in the appropriations bill at that time?

Mr. BOLAND. Mr. Chairman, will the distinguished gentleman from Michigan yield?

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

Mr. BOLAND. Mr. Chairman, this gentleman is familiar with the problems in Michigan concerning dioxin. Of course, this is a problem that could well spread to many other areas within the United States.

In response to the gentleman from Michigan, let me say that my answer is in the affirmative. Yes, we would certainly consider any proposals for expanded dioxin studies if EPA submits such a proposal in a budget amendment. We will give every consideration to an additional request from the Administrator of the EPA, Mr. Ruckelshaus.

Mr. ALBOSTA. Mr. Chairman, I have one final question for the subcommittee chairman.

Is it not correct that funds can be reprogramed for EPA later in the year to pay for any added costs associated with the comprehensive dioxin study directed by the subcommittee and now being considered by the agency?

Mr. BOLAND. Mr. Chairman, will the gentleman yield again?

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

Mr. BOLAND. Mr. Chairman, the gentleman is correct. A request for reprograming of funds can be submitted and we would consider any request for reprogramings by EPA later in the year. We believe the $4 million we added will be more than sufficient for the dioxin monitoring study, but if the EPA needs more, and requests a reprograming for the needed funds, we would certainly accede to that request.

Mr. ALBOSTA. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. BOLAND) very much.

Mr. YOUNG of Missouri. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy with the distinguished chairman of the subcommittee of the Committee on Appropriations, the gentleman from Massachusetts (Mr. BOLAND).

Mr. Chairman, as most of us in this body are well aware, my home State of Missouri has been particularly hard hit by the tragic and complicated problem of dioxin contamination. There are at least 31 confirmed sites of dioxin contamination in my State, the largest being the city of Times Beach which is in my district.

The committee report accompanying this bill contains language to set aside $4 million in the EPA abatement, control and compliance budget to fund studies and investigation of dioxin concentrations in suspect areas as well as the monitoring of severe problem areas. While this is a commendable step in the right direction, I see an even greater need to address another critical area related to our current dioxin problem. The people who live or work near these affected areas need more than the insurance of site location and monitoring. They need a guarantee that funds will be used for the vital and necessary further investigations that need to be made into providing some form of long term solutions to the problems of disposal and cleanup of concentrations of dioxin.

I do not think anyone here will argue with the fact that site location and monitoring are vital functions that need to be funded by Congress. But I think everyone will also agree that the job is not done until we can provide an effective method of cleaning up and disposing of this dioxin contamination.

Mr. Chairman, I would like to ask the distinguished subcommittee chairman to further clarify his discussions on this issue yesterday on the House floor with the gentleman from Missouri (Mr. VOLKMER).

Mr. Chairman, is it the gentleman's understanding that from the money budgeted for EPA research and development, EPA will have sufficient funds for initiating a study into the long term solution of the problems of disposal and cleanup of concentrations of dioxin and other chlorophenols and for helping to implement effective procedures for these cleanup and disposal efforts?

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

Mr. YOUNG of Missouri. I am happy to yield to the subcommittee chairman.

Mr. BOLAND. Mr. Chairman, first of all, I want to commend the gentleman from Missouri (Mr. YOUNG) for his very effective support and leadership in dealing with Times Beach and the dioxin problems. The decision to spend $32 million to buy out Times Beach was a very important one for that particular area, and I commend the gentleman for his position on it.

With respect to the specific question, let me answer that in the affirmative and say that, as I indicated yesterday, the committee places a high priority on research into the disposal of dioxin. We would expect EPA to use some of the unspecified increase in the R&D account for this purpose.

This is a very complex issue, and it will, of course, be a multiyear effort. But we want to see it started in 1984, and I think that the Administrator of EPA will see that it does get started.

Mr. YOUNG of Missouri. Mr. Chairman, I thank the gentleman very much for allowing me to participate in this debate, and I yield back the balance of my time.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to express particular support for the funds appropriated in this measure that have been allocated for nursing home care facilities for our Nation's veterans.

This is something that is sorely needed throughout the country, and especially in my own district. I am especially pleased that $8 million has been appropriated for building an addition at the Castle Point facility in the Hudson Valley region. The veterans of our area, and their families, will be particularly pleased that the committee has included their proposal in this legislation.

Mr. Chairman, I urge my colleagues to support this measure, and pass this much needed appropriation.

Mr. WATKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to enter into a colloquy with the subcommittee chairman, the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. I would be delighted to have a colloquy with the gentleman.

Mr. WATKINS. Mr. Chairman, first and foremost, I would say to the distinguished chairman of the subcommittee that I commend him and the ranking minority member, the gentleman from New York (Mr. GREEN), for a tremendous job and an effective job under some tough circumstances at this time at EPA.

Mr. Chairman, I thank the subcommittee chairman for agreeing to enter this colloquy with me on something that is of deep concern to me.

I would like to ask the distinguished subcommittee chairman concerning the congressional intent relative to the EPA's research and development program.

The committee provided an additional $5 million for research into air and water pollution control technology. Is it the committee's intent that a portion of this money should be used to maintain at current levels EPA's research into cost effective alternative and innovative treatment processes, including natural systems?

Mr. BOLAND. Mr. Chairman, if the gentleman will yield, my response is, yes, the committee would expect the EPA to continue work, at least at current levels, in the area of alternative and innovative pollution treatment. Many of these techniques are promising and may prove cost-effective in the future. The committee supports that position.

Mr. WATKINS. Also, Mr. Chairman, concerning R&D on hazardous waste control technology, the committee urged the EPA "to adopt the goal of greatly expanded use of waste treatment, incineration, and other preferred disposal methods."

Does the committee include soil treatment under that category of other innovative disposal alternatives for which increased R&D and usage is recommended?

Mr. BOLAND. Yes, soil treatment would be included. I understand that it is not appropriate for many kinds of wastes, but for some waste products it is an effective method.

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

I have one last question. The committee also provided an additional $1 million for drinking water research, which is very much needed, and I commend the committee for this.

Would this include research into both surface and underground sources of drinking water?

Mr. BOLAND. Mr. Chairman, if the gentleman will yield again, the committee is well aware of drinking water problems related to groundwater contamination and would expect EPA to balance its research needs against surface drinking water research as well as other agency research priorities.

Mr. WATKINS. Mr. Chairman, I thank the distinguished subcommittee chairman, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if the chairman of the subcommittee would engage in a colloquy with me, I would, first of all, like to commend the subcommittee chairman, the ranking minority member, and the other members of the committee on the veterans budget. As one of the ranking members of the Veterans' Committee, I concur with the remarks of the distinguished chairman of our Committee on Veterans' Affairs on the treatment the committee has given to our veterans. But I also would like to refer to the next section of the bill, Selective Service System, and call attention to the committee report on page 43, where it states that "The committee therefore directs the Selective Service to study and report to the committee by December 31, 1983"—and this is the important part of it—"on the feasibility of allowing an individual to register as a conscientious objector."

Now, if all that means—and I am looking for the historical and legislative intent of this sentence—if all that means is that it allows an individual to state his or her objection to registration on conscientious grounds, then certainly I do not think any of us have any objection to it. But if the intent is to allow the individuals who want to be conscientious objectors to receive that status upon registering, then I am unalterably opposed to it.

□ 1340

I would just ask the distinguished chairman what the intent of that legislation is.

Mr. BOLAND. Will the distinguished gentleman from New York yield?

Mr. SOLOMON. I most certainly would yield.

Mr. BOLAND. I can understand the concern of the gentleman with respect to this report language. Let me try and clarify it.

The report language would not make an individual a conscientious objector. That status would have to be determined by a local board if a decision is made to begin classification.

Mr. SOLOMON. I thank the gentleman.

So under those circumstances the intent of this section is to allow an individual to simply be able to state in writing that he wants to be classified for conscientious objector status when classification comes.

Mr. BOLAND. The gentleman is correct.

Mr. SOLOMON. I would hope this colloquy would set the historical legislative intent of that sentence.

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

Mr. SOLOMON. I yield to the ranking Republican member of the committee, the gentleman from New York (Mr. GREEN).

Mr. GREEN. In further elucidation of the subject in which the gentleman is interested, it is proposed to change the registration form so that the form would provide a box where someone who intended ultimately to seek classification as a conscientious objector would be able to note so while he is registering.

As the gentleman knows, there are some people who claim conscientious objector status who have declined to register on the grounds that the present setup does not give them any means to set forth their claims. One cannot be classified as a conscientious objector until the classification process is undergone. As the Selective Service System now operates, there is no classification at all for any of the categories, conscientious objector or otherwise. Thus if this proposed format for the registration form were adopted it would simply mean that a person who intended ultimately to seek conscientious objector status through the classification process, when and if one took place, would be able so to identify himself. But it would not confer such status on him.

Mr. SOLOMON. That is fine. I am glad we have established this historical legislative intent.

I would like to point out to the Members since we enacted the reinstatement of draft registration, 6 months after that there was only a 78-percent compliance throughout this country of young men who are eligible to register for the draft.

I might say today that the percentage of individuals that are in compliance has now reached 98.1 percent with more than 11 million young Americans living up to their obligation as U.S. citizens and obeying the law of the land. I think we should be very proud of those 11 million and 98 percent of the young men in this country that have done that.

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

Mr. SOLOMON. I yield to the gentlewoman.

Mrs. BOGGS. I thank the gentleman for yielding. I thank him for his understanding of the intent of the committee.

I would like the gentleman to know that those young men who have a conscientious objection will now be able to comply with the law and also to be able to answer their own consciences. I thank the gentleman for his participation.

Mr. SOLOMON. I thank the gentlewoman for helping me clarify this issue and I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses of the Council on Environmental Quality and the Office of Environmental Quality, in carrying out their functions under the National Environmental Policy Act of 1969 (Public Law 91-190), the Environmental Quality Improvement Act of 1970 (Public Law 91-224), and Reorganization Plan No. 1 of 1977, including not to exceed $500 for official reception and representation expenses, and hire of passenger motor vehicles, $700,000.

Mr. BOLAND (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

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

Mr. WALKER. Mr. Chairman, reserving the right to object, I reserve the right to object to find out what our status will be with regard to the Committee rising before we get to fund limitation amendments that Members might wish to offer. Some of us do want to make certain we have time to explain during the debate the purpose behind our fund limitation amendments and that we would want to be able to strike the requisite number of words to explain those amendments prior to that point since there is no debate on the motion to rise.

Could the Chairman give us some idea as to where we stand with regard to rising?

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

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

Mr. BOLAND. If the gentleman has some reservations, I think perhaps he should express them now. We have asked unanimous consent that the remainder of the bill be considered as read and open to amendment at any point. I would think that any particular debate that you might have with respect to limitations, or whatever you would want to say, ought to be done now.

Mr. WALKER. Further reserving the right to object, do I understand that the Chairman does intend to offer a motion to rise prior to getting to fund limitation amendments?

Mr. BOLAND. The gentleman is correct. I will offer a motion to rise at the proper time.

Mr. WALKER. In that case, Mr. Chairman, I do object.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $1,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $1,950,000.

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

Mr. Chairman, I rise at this time to talk about an amendment which I would have the intention to offer if we are ever permitted as a committee to get to the point that such an amendment could be offered.

The amendment language that I have is a jobs amendment. It relates specifically to this bill and it is a limitation of funds, which means that under the rules of the House that were adopted earlier in this Congress it could not be offered at the appropriate point in the legislation; namely, under the HUD title.

Yet it does deal very much with matters that are contained within this legislation.

I start the discussion this way to point out that the rule that we adopted earlier in this Congress is a bad rule. This bill is replete with limitation amendments, with fund limitation amendments. The committee has adopted amendments that came before this House in years previous and they are under a general provisions section of the bill.

This Member and other Members like this Member are not going to be permitted to offer similar language as a result of the rules that we have if, in fact, a motion to rise is upheld by the body. That is the reason why I am certain that there will be a vote on that motion to rise and why I would ask the membership of this body to vote not to rise but, rather, vote to allow us to offer amendments which are relevant to the legislation before us.

I know that I have an amendment. Others may have amendments. I know of at least one other amendment in a similar kind of category.

These are important kinds of actions to take. As a matter of fact, there are about 500 years of parliamentary tradition of allowing individual members of legislative bodies to offer limitation of funds. When we take action like we may do later on today to cut off Members from that particular kind of action, it seems to me that we do harm to the traditions of this body and the traditions of parliamentary bodies in the Western World for some period of years.

Let me talk about the particular amendment that I have because it may help clarify why we should allow the committee to continue to sit and we should continue on with whatever amendments Members might have that are relevant to this legislation.

The amendment, as I stated previously, is a jobs amendment. I am talking about jobs, anywhere between 30,000 to 100,000 jobs.

This amendment simply stated says this: that none of the funds appropriated under this act shall be used to administer any program or activity in a manner which denies legitimate job opportunities to any individual.

Why such an amendment? Why does it have an impact in the tens of thousands of jobs? In other words, why, if we do not adopt this amendment, are tens of thousands of Americans not going to be able to get a job that they could othewise have. Because what is happening in Govenment today is that many of the programs that we have are being run under regulation or under law, in such a way that they deny legitimate employment to individuals.

There are many parts of our law which make the Federal Government an unemployer. We are creating unemployment by that which we do in the Federal Government.

I think it is entirely appropriate in a bill in which we are dealing with public housing that we begin to do something about getting people employed out there. If we can, by adopting language of this type, give 30,000 to 100,000 Americans a job, I think we ought to be in a position to do it. And if we vote that the committee rise without taking up this amendment, we are really voting to deny somewhere in the vicinity of 30,000 to 100,000 Americans a job which they should legitimately have.

The American people understand this problem. Just recently the Gallup organization did some polling. It found that somewhere in the vicinity of 43 percent of all Americans recognize this problem of the Government contributing to unemployment as being a somewhat to very serious problem.

□ 1350

Forty-three percent of the people polled and there were 27 percent of them that really did not have an opinion on the issue, so it was a wide plurality; 43 percent of them said that we recognize that Government has got some problems in this area. I think when we deal with an appropriations bill of this magnitude, that deals with an awful lot of construction programs that we ought to be saying in the body of this bill that we should get out of the business of stopping people from working.

I would point particularly to some testimony which recently was given before a legislative committee by Renault Robinson, commissioner of the Chicago Housing Authority. He was questioned during his appearance before a legislative committee and he

got into this whole question of employment and productivity.

The CHAIRMAN. The time of the gentleman has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. WALKER. Let me explain what he had to say with regard to this employment issue.

He said:

My point is that we are taking a severe beating . . . By removing these barriers we would have enough money . . . to be in the black rather than be in the red. I am saying we could reduce our costs and not reduce our services. With the money we save we could probably increase services.

In addition to that, and real big problem, we have unemployment rates which are staggering in public housing. Most of the 15- to 21-year-olds have absolutely no training and they cannot work. We could pick up a lot of these people and train them for working within the developments. For instance, we have received a special grant from HUD to completely rehab one of our large developments . . . Now, if we took this money and were able to take residents, train these residents, and have these residents participate themselves in the rehab, we could take people off public aid, give them a job where they do not have a job now, give them a skill and then let them work in their own community, and save money—the money that we are getting from you (the federal government) anyway.

In other words, 15- to 21-year-olds, many of them minority youth, the very group that is most unemployed in this country, could be put to work under the provisions of my amendment.

The legislative committee then went on to question Mr. Robinson about the discriminatory effects of the legislation which he was talking about. And the chairman of that legislative committee said, "That means the poor live in less than adequate housing as a result of these moneys being taken to pay what you call exorbitant wage rates."

Robinson says, "Absolutely." The chairman, "If those savings were made the poor would benefit from the savings?"

Robinson, "Correct." The chairman says, "So this is another area where perhaps Davis-Bacon may be discriminatory against minorities, and especially the poor."

Robinson says, "Well, I have not said that, but that is absolutely true in the city of Chicago, that it discriminates against minorities * * * We have many minority construction firms that are not able to compete in the Chicago Housing Authority market because of that fact."

In other words, here is one provision, one thing where people are being denied employment, where minority contractors are being frozen out, we have severe problems, which we could correct by the adoption of the amendment I intend to offer.

I would urge the committee not to rise so that this amendment can come to a vote.

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

Mr. Chairman, there is much in H.R. 3133 to commend. I am especially pleased, for example, to see the $440 million for the urban development action (UDAG) program—a program of vital importance as we strive to guarantee the economic recovery of our Nation. It simply makes sense to me to promote those programs—like UDAG—which are designed to encourage private sector investment in our distressed areas with a helping hand from the Federal Government. We need this stimulant to our economy and the jobs it produces.

It is disappointing to me that the administration's budget request did not give adequate recognition to this and sought only $196 million in new obligational authority for UDAG in 1984. I am pleased that the committee has taken corrective action to bring the funding level to a point where it passes the test of adequacy.

But in another area, the committee was not as responsive.

Once again, I am here in this Chamber sounding an alarm.

The bill includes one glaring omission, and I do not want it to escape unnoticed. I refer to the $15 million for scientific instrumentation in the NSF budget. That figure is $35 million less than the amount authorized just 3 weeks ago when we passed H.R. 2066.

The $50 million in H.R. 2066 was barely adequate even to begin remedying the deficiencies in our Nation's scientific research. If anything, we should be increasing that figure today.

As the committee report states so clearly and I quote:

The National Science Foundation bears a unique responsibility among Federal agencies for the health and well-being of the Nation's basic scientific research activities. There can be no question that its programs serve a vital function. It is clear that the commercial vitality and military security of the United States are directly dependent on the Nation's command of fundamental scientific knowledge.

There seems to be general agreement among experts both within and outside this Chamber that our Nation must undertake a concentrated effort to develop high technology if we are to safeguard our economic future. The $50 million was a way of starting to translate that realization into concrete action; $15 million is barely more than a token.

The money is needed to update our universities' alarmingly antiquated research equipment, and to give universities and industries access to the highly advanced supercomputers.

It is hard for me to believe that today, in the United States, in this highly competitive world, our university research centers are not included in nor do they have access to a network using the latest in supercomputer technology.

We must move forward to correct that most alarming deficiency.

Completing the task will cost money; public and private funds. But doing so is, in the words of Cornell's Nobel Prize-winning physicist, Dr. Kenneth Wilson, "An overwhelming need." Other nations are recognizing this and are acting on it. We must now invest or we shall surely pay a heavier price later. I am deeply disappointed that today we are needlessly missing an opportunity to begin that investing.

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

Mr. BOEHLERT. I yield to my colleague from New York.

Mr. GREEN. Mr. Chairman, I thank my colleague from New York for his contribution to the debate. I share his concern that we provide enough money for the scientific infrastructure of this country, because I think it is critical to our productivity and our future economic well-being. I commend him for raising that issue on the floor of the House today.

I would simply point out to him some of the constraints under which the subcommittee operates. We did provide $23 million above the administration budget request for the National Science Foundation, and that raises the funding for the National Science Foundation some $223,100,000 above the 1983 appropriation level.

The gentleman correctly points out that we did not hit the authorization mark in an important case. I simply have to reiterate the situation in which the subcommittee found ourselves as a result of the process under which all the appropriations bills are being developed by the Appropriations Committee.

The fact of the matter is that the chairman of the full Committee on Appropriations, together with the subcommittee chairmen, met and assigned a mark to each of the subcommittees. That mark when added for example——

(On request of Mr. GREEN and by unanimous consent, Mr. BOEHLERT was allowed to proceed for 5 additional minutes.)

Mr. GREEN. Will the gentleman yield?

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

Mr. GREEN. I thank the gentleman for yielding.

When cumulated for all the subcommittees, that mark totaled less than the full amount that was available for appropriations by the Committee on Appropriations under the first budget resolution. And I understand that it is that first budget resolution that the various authorizing committees are

looking to as they develop their authorizing legislation. So we cannot in this bill fund all the programs at the full amounts authorized.

Mr. BOEHLERT. I appreciate the comments of my colleague. Let me point out, I am not one of those who is anxious to spend more money without being willing to bite the bullet to raise the money. I happen to be among those gallant 41 who thought this body was foolhardy to repeal the 10-percent withholding on interest and dividends because that would have generated $4 billion for our Treasury, some of that $4 billion could have been used by our university research centers.

□ 1400

Let me further point out that if 10 years ago someone came to this body and suggested that our auto industry was in trouble and that there was a plan to help solve the problem, we would have jumped it.

I would suggest that our computer technology industry right now is in that same situation. Clearly we are No. 1, clearly. I want to maintain that No. 1 position.

And I suggest to my colleague that while I recognize the constraints under which the committee operated, this is an area that deserves priority consideration, because it disturbs me to recognize that in Japan, and in Germany, and in the United Kingdom, and in France, their university research centers have access to the latest in computer technology and yet we do not here in the United States of America.

Mr. GREEN. Again, if the gentleman will yield further, we did provide a very large increase over last year, probably the largest percentage increase for any agency, to the National Science Foundation. So I think we certainly concur with the gentleman on the importance of this.

Mr. BOEHLERT. We are moving in the right direction.

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

Mr. BOEHLERT. I yield to the distinguished chairman, the gentleman from Massachusetts.

Mr. BOLAND. I thank the gentleman for yielding.

Mr. Chairman, I was one of those in the fold, too, who voted against repeal of the withholding tax on interest and dividends, so I sympathize with the argument that has been advanced by the gentleman from New York. He is absolutely correct and I agree with the position taken by my colleague, the ranking minority member on this subcommittee.

As the gentleman knows, with the $181 million request plus the $15 million addition in this particular program, there is now $196 million for instrumentation. That is the largest amount that I can recall that has been provided by this subcommittee for instrumentation.

As the gentleman well knows, and I think he has indicated, last year there was $112 million for this program. It is being increased by over $80 million, and that is a substantial increase. We will try to do even better next time.

Mr. BOEHLERT. I thank the distinguished chairman. I appreciate his efforts; doing better is clearly in the national interest.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

RESEARCH AND DEVELOPMENT

For necessary expenses, not otherwise provided for, including research, development, operations, services, minor construction, maintenance, repair, rehabilitation and modification of real and personal property; tracking and data relay satellite services as authorized by law; purchase, hire, maintenance, and operation of other than administrative aircraft, necessary for the conduct and support of aeronautical and space research and development activities of the National Aeronautics and Space Administration; including not to exceed (1) $1,927,400,000 for space transportation capability development; (2) $1,570,600,000 for space transportation operations; (3) $14,000,000 for a space station, including $6,000,000 in advanced programs, $6,000,000 in space research and technology (specific) and $2,000,000 in physics and astronomy (spacelab payloads); (4) $165,600,000 for space telescope development; (5) $50,000,000 for expendable launch vehicles; and (6) not more nor less than $44,000,000 shall be obligated for space communications operations and maintenance and support associated with the tracking and data relay satellite system, including amounts to be obligated for award fees earned on the contract; without the approval of the Committees on Appropriations; $5,803,500,000, to remain available until September 30, 1985.

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

Mr. Chairman, I take this time at this point in the consideration of the bill to give notice to the House that this Member of California intends to offer an amendment at the end of this bill which would have the effect of stating very clearly that the EPA may not impose sanctions on counties around the country that have not been able to attain the national ambient air quality standards by the December 31, 1982, deadline set for them in the Clean Air Act.

My purpose in taking the time at this point results from the expectation that, under the new rules of the 98th Congress, if such an amendment is offered at the end of the bill, which is what our new procedure appears to require, then some person in the committee can make a motion that the committee rise.

Now under the rules it is my further understanding that the motion to rise is not debatable.

Therefore, if such a motion were made to preclude consideration of my amendment, I would not have the opportunity of explaining anything about what the amendment seeks to do. We would just vote up or down on whether the Committee would rise. Only if we were successful in defeating that motion to rise could we get the merits of the amendment that I intend to offer.

So I take this time to mention that so that the Members will have an appreciation of what this amendment the Member from California seeks to offer would do.

As to why we need that amendment, let me make this observation. Last year, in the Energy and Commerce Committee in the 97th Congress, we worked for literally weeks on end attempting to develop some needed changes in the Clean Air Act.

We frankly were split very evenly in that committee on such things as how to deal with acid rain, PSD problems, hazardous waste, auto emission inspection and maintenance, and sanctions, just to name a few. We were within a vote of resolving the issue one way or another in the last Congress, but unfortunately, we could not come to a conclusion.

We, of course, can take up the entire issue in the 98th Congress, the current Congress. Perhaps we will, but it is my assessment that the probability of these issues being resolved as part of a total package of amendments to the Clean Air Act in the 98th Congress is not good.

Therefore, in order for us to do anything with respect to this area of the law, attaching this amendment to an appropriations bill is one of the few windows of opportunity that is presented to anybody serving in this body.

For example, we have 213 counties in the country that were not in attainment by the existing December 31, 1982, deadline or cannot project attainment of the 1987 deadlines for ozone and carbon monoxide. That happens to reach 180 of the congressional districts in this country.

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

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

Mr. BROYHILL. I thank the gentleman for yielding.

I would ask the gentleman this question: This does not mean that there has not been a good faith effort made to try to achieve the standard; is that correct?

Mr. DANNEMEYER. That is correct. These areas—for instance, my area in southern California—has made a heroic effort to reach and achieve

the deadline, but has not been able to do so.

Mr. BROYHILL. There are other areas of the country also on that list that the gentleman has which would indicate they maybe have barely missed the deadline on perhaps one day of the year or very few days of the year.

Mr. DANNEMEYER. That could very well be. But we face a dilemma. We all know that effective April 1 of this year a 5-cent increase in the gas tax was levied on consumers all over the country, and if we, as Members of Congress, do not do something on this Clean Air Act sanctions business, we could very well be in the position of providing that the regions of our country would not get any portion of that 5 cents that is now being collected. Why? Because they are not in attainment. And that is a very embarrassing position for any Member.

The CHAIRMAN. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

(At the request of Mr. WAXMAN and by unanimous consent, Mr. DANNEMEYER was allowed to proceed for 5 additional minutes.)

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

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

Mr. BROYHILL. The point I am trying to make is that it does not necessarily mean that the area of the country is in continuous noncompliance. That particular area that appeared on the list that the gentleman was referring to in his earlier remarks could be that they failed to reach attainment perhaps only on one particular occasion.

Mr. DANNEMEYER. That is entirely possible.

Mr. BROYHILL. There may only have been a handful of occasions, whereas every other day of the year they were in compliance, and so as a result of these relatively minor infractions or going over the standard then you would have imposed these draconian sanctions that the gentleman has already referred to, which is certainly not in the public interest.

It seems to me that what the gentleman is talking about is not an environmental issue but an economic issue; that is, are we going to have growth, are we going to have the opportunity for jobs in these 200-odd areas that the gentleman referred to earlier.

□ 1410

Now, there are other areas of the country, as the gentleman has already pointed out, such as his congressional district, where the goal of achieving air standards is going to take some time longer. It could take a number of years longer.

Mr. DANNEMEYER. That is correct.

Mr. BROYHILL. But on the other side, the gentleman is lumping together areas like that with these other areas that I have just referred to that perhaps exceeded the standard only once or a very few times during the course of the year, yet all of them are treated alike, and it does not seem to me that the law is properly written here, and I would urge that we adopt an amendment similar to the gentleman's, and I would hope that we could have an opportunity to do that. But I understand that the rules of the House now require that we go through some parliamentary procedure here in order to be able to offer an amendment such as the gentleman is referring to.

Mr. DANNEMEYER. That is correct.

Mr. BROYHILL. Now, the gentleman knows there is, so far as I know, no bill going through the authorizing committee, so the only way we could in a timely way address this particular issue is to have an opportunity to have an amendment on the appropriation bill.

Mr. DANNEMEYER. That is the reason this Member from California proposes to offer it.

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

Mr. DANNEMEYER. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I have had some discussions with the gentleman from California (Mr. DANNEMEYER) about the amendment that the gentleman may propose should a motion to rise be defeated. I am unclear at the moment exactly what that motion would be.

Let me explain to the Members of the Committee my position on this issue:

When Anne Gorsuch was Anne Gorsuch and when she was the Administrator at EPA, she took the position that she had to impose sanctions on the States for failure to meet the deadline, 1982.

I disagreed with that position that she took. I thought that the Clean Air Act did not mandate the imposition of sanctions. It seemed to me to be quite counterproductive to impose those sanctions when a State was acting in good faith in order to meet the deadlines.

I believe the law is the law and is clear on the subject. I at the time feared that what she was proposing to do was to give an interpretation of the law that would hold a gun to the heads of every State Governor who would be forced to deal with the possibility of sanctions.

Now, if this amendment were to clarify what I think is already the law, I would have no problem with it. But I understand that this amendment may be much broader than that. It may well try to legislate changes in the inspection and maintenance program.

Mr. DANNEMEYER. Mr. Chairman, I will reclaim my time at that point to make clear that the amendment that this Member from California will offer will not include any reference to the failure of a State to adopt I&M. That is not my intention. I want to make that clear. We had the discussion that I might do that, but that will not be in my amendment.

Mr. WAXMAN. If the gentleman will yield further, we have looked at language together and tried to decide what would accomplish that purpose with which we have a mutuality of interest. And I am not sure that we have an agreement on that.

Does the gentleman have any further suggestions to me as to what he will in fact offer to the House should the House take the motion to rise and reject it?

Mr. DANNEMEYER. We have discussed this matter in good faith, as to what language should be in the amendment which relates only to the failure of a State to be in attainment. Maybe we could gain something by further discussion on that point, but I do not think we have an agreement on that point right now.

Mr. WAXMAN. If the gentleman will yield to me further, we face the prospect of the gentleman and I suggesting to the Committee to reject a motion to rise by the proponents of the legislation that is before us. It would be, I think, astounding to many Members to find us together urging a position on the Clean Air Act. But until I know specifically that we are in fact together, it is my position to reject the motion the gentleman will be offering. I hope to have further discussions, although I do not know how much time we have.

The CHAIRMAN. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. Mr. Chairman, in response to my colleague, the gentleman from California (Mr. WAXMAN), let me make this observation: If the gentleman from California (Mr. WAXMAN) has concerns about the amendment that I will offer being too broad, perhaps the prudent way to reach that concern is to resist the motion to rise so that at least we can take up the amendment. And then if the gentleman from California (Mr. WAXMAN) has objection to my amendment being too broad, the gentleman can offer an amendment to limit it and we can then debate on the floor of the House and let the will of the House resolve this matter rather than being precluded from doing so by the rules which have been adopted for the

98th Congress which would preclude anybody from even considering it.

Mr. WAXMAN. If the gentleman will yield further, I think it is highly inappropriate for the House to be drafting legislative changes in the Clean Air Act on a time schedule where no one has been informed of the proposals and what the impact will be.

Mr. DANNEMEYER. Mr. Chairman, I will reclaim my time and say that I could not agree with the gentleman more. And I want to say again that the reason I am taking the time of the whole House is my conviction, with all due respect, that the committee on which we serve, the Energy and Commerce Committee, which takes up the Clean Air Act, will not come to a resolution of these controversial issues in the 98th Congress, and, therefore, a Member such as myself has a very limited opportunity to attempt to reach what I believe to be a very unfortunate position in the law. That opportunity is to take up the time of the whole House, but I do not know what else to do.

Mr. WAXMAN. If the gentleman will yield further, I am prepared to support, with the gentleman, a clarification of what I believe the law to be, and I do not urge the House to change the law but to give assurances to the States as to what the law in fact is, from my reading of it. But I am not prepared to urge the Members of this House to go to the extraordinary proceeding of having amendments on the floor which are then subject to amendment and further discussions and a whole redrafting of the Clean Air Act.

So if the gentleman and I can get together on an amendment, I may well support him. If we cannot, then I would resist the suggestion at the appropriate time that the Committee not rise.

Mr. DANNEMEYER. I thank my colleague.

● Mr. STANGELAND. Mr. Chairman, I rise in strong support of the gentleman from New Jersey's amendment to continue funding for EPA's clean lakes program. It was my pleasure and honor to be able to testify before the Rules Committee with Chairman Roe, as his ranking Republican counterpart on the Water Resources Subcommittee, in strong support of this amendment and the right for it to be offered here today on the floor.

As others have already pointed out, the clean lakes program is of significant importance to the Nation generally. Not surprisingly, the origin of the authority in the Federal Water Pollution Control Act establishing this program had its roots in the State of Minnesota, and it has been our State that has benefited significantly along with others from this program over the course of the past 11 years.

While much progress has been made, a great deal more remains to be accomplished. The clean lakes program has proven to be an extremely successful, popular, and cost-effective approach to identifying and solving our lakes pollution problems. It is a program which has operated in the past and deserves to operate in the future as a true partnership between the Federal Government and non-Federal interests desirous of addressing lake pollution problems. It is a program which offers real potential in the future for providing a workable mechanism to help address the lakes component of our Nation's growing acid rain problem.

Under these circumstances it is totally appropriate and proper that funding for the clean lakes program should continue in fiscal year 1984, and I wholeheartedly support Chairman ROE's cooperation and willingness to offer this amendment today. I strongly urge its adoption.●

● Mr. CORRADA. Mr. Chairman, I wish to express my support for the HUD-independent agencies appropriation bill before us.

H.R. 3133, as reported, provides $54.2 billion in fiscal year 1984 for the Department of Housing and Urban Development, in addition to funding for 17 independent agencies.

Mr. Chairman, once again, the leadership of Congressman ED BOLAND is seen in this appropriation bill and it is reported at a critical time when the House of Representatives awaits action on H.R. 1, the Housing and Urban-Rural Recovery Act of 1983 which will soon be brought to the House floor.

Since this appropriations measure precedes the reauthorization of most of the Federal assistance programs for housing and community development, I am pleased to note that the Appropriations Committee has recommended funds for a variety of programs which are already in place, and which help urban communities throughout the United States and Puerto Rico provide an adequate living environment for U.S. citizens.

I would like to take note of some of these programs.

H.R. 3133 provides $3.47 billion for community development block grants, a funding level which continues the existing level of CDBG funding. H.R. 1, the authorizing legislation, contains an important feature for the future of the CDBG program, in that it would reauthorize the CDBG program for 3 fiscal years at a higher level of $4.5 billion.

I hope the Appropriations Committee will provide the additional increase in CDBG funding once a later supplemental appropriations take shape.

The House has moved responsibly by adding additional funds to the annual CDBG entitlement, which provides funds on a guaranteed basis to the 10 largest cities in Puerto Rico, and which supports, through a small cities apportionment, every remaining municipality in our island for badly needed local construction repairs and maintenance, and development of an infrastructure so vital to the island's economy.

The committee bill also continues the urban development action grant (UDAG) program which, in recent months, has increasingly been utilized by our island's mayors for vital housing projects, and for a wide variety of other activities to stimulate our island's economy. The level of $440 million is in line with the administration's budget, and will allow the continuation of the UDAG program at a reasonable level of activity.

There are additional features of H.R. 3133 worthy of our support.

I am particularly pleased to note the inclusion of $25 million for continued funding of the Solar Energy and Conservation Bank. Although the administration had again this year asked for zero funding for the bank we must reaffirm our commitment to the Solar Energy and Conservation Bank. Despite the fact that the bank was ready to begin its work, it was not until January 1983 that the first selections for funding were made. In Puerto Rico, we were approved to receive $400,000 for a loan subsidy program for residential conservation measures and passive solar heating programs. Although the money has not been distributed yet, I am encouraged by the publication in the Federal Register for May 31 of the interim rule for its financial assistance program. It is my hope that the money will be distributed quickly so that all jurisdictions can implement their plans accordingly.

The other major component of H.R. 3133 is the appropriation for the Environmental Protection Agency (EPA). The EPA has increasingly become a critical part of our daily life because of the importance of the functions they regulate and the protection they are required to give to our citizens.

I am encouraged by the addition of funding to the $1,083 billion figure in fiscal year 1983, although even this amount is too small to enable the EPA to do a comprehensive job. In particular, I am pleased to note the addition of $62.4 million in the program for State environmental grants. This means that there will be an additional $14.8 million for air quality; $30.2 million for water quality; $6.2 million for public water systems; and $7.5 million for hazardous waste management. These are programs of importance to all our districts and States and I urge my colleagues to ratify the actions taken by the Appropriations Committee to protect the health and safety of all Americans.

H.R. 3133, by continuing the programs I have mentioned, is a sensible and responsible appropriations bill, and it merits our support.●

● Mr. BIAGGI. Mr. Chairman, I rise to lend my support to H.R. 3133, the HUD-independent agencies appropriations bill for fiscal year 1984. I am especially pleased to note the funding levels provided for our Nation's public housing programs which have taken a fiscal beating over the past 2 years.

No where is the callousness of this administration's policies felt more than in the cutbacks which have been proposed and implemented in public housing and housing assistance. We now find ourselves with a cruel paradox—while the number of poor people in need of assistance continues to rise—our commitment in terms of providing assistance has dropped off. H.R. 3133 recognizes this and attempts to return funding levels to a point where they can again respond to human needs.

Included among the specific funding levels in the bill which I strongly support are the following: $3 billion to support 50,000 units of existing section 8 housing; $1.9 billion for support of 14,000 units for elderly and handicapped under the section 202 program; $3.3 billion for conversion of 69,000 rent supplement and rental housing assistance units to the section 8 program; $1.8 billion for the construction of 10,000 units of new public housing; $1.5 billion for modernization of existing public housing; and $991 million for the rehabilitation of 15,000 section 8 low income apartments.

These are realistic and fiscally sound numbers which will not allow for growth which is not necessary but in fact will respond to existing demand. Let us not forget that the recession is affecting far more people than is the new recovery. One of the most critical and ofttimes unmet needs is public housing.

Let me also express to you my support for the funding levels provided in this bill for two other excellent programs. The community development block grant program is proposed to be funded at a level of $3.5 billion for fiscal year 1984. This funding level will allow for the continued expansion of this worthwhile program which was provided with important funds as part of the jobs bill approved earlier this year.

Finally H.R. 3133 would provide the urban development action grant program with a funding level of $440 million—more than a sufficient enough an amount to permit it to continue its vital work in many of the communities of our Nation. The UDAG program is an ongoing success story in many communities of this Nation and has led to full-fledged urban renaissances. It deserves continuation and expansion. It is a cost-effective program and I am pleased that the committee has provided these funds.

H.R. 3133 is the first appropriation bill to come before the House, and I hope its passage will symbolize a reversal of past policies and a renewal of our commitment to meeting the housing needs of our poorer citizens.●

● Mr. FRENZEL. Mr. Chairman, the HUD and independent agencies appropriation bill, H.R. 3133, which we are considering today, officially kicks off the annual congressional pork feast.

We are considering this bill without having completed a budget resolution. But that problem was casually ignored last week when Congress so handily waived the Budget Act requirement.

All the authorizations for programs included in this bill have not yet been reported.

In March, the House passed an excessive budget resolution. Because of the increased spending included in the resolution to appease authorizing committees, this HUD bill can, and does, conform to that resolution. But, in fact, the bill is another open-handed, high-spending act of Congressional profligacy.

In comparison with the President's spending request, this bill is $4.9 billion over in budget authority and $4.5 billion under in outlays. A $4.9 billion breach of budget authority flies in the face of spending restraint. The underage in outlays is only smoke and mirrors. The smoke will be blown away and the mirrors shattered by the supplemental. Before the spending year is over, total appropriations for HUD and the independent agencies will have severely breached the President's outlay request, and most likely will exceed whatever budget resolution is ultimately passed.

Waivers of the Budget Act cannot be tolerated. Planned supplementals subvert the budget process and are a poor way to fund a government. Spending irresponsibility by Congress feeds on itself and threatens the economic security of our country. The bill was too expensive when it came from committee. The addition of the Wirth amendment made it intolerable. H.R. 3133 is counter to our collective economic interests, and it should be resoundingly defeated. If passed it should be vetoed.●

● Mr. WALGREN. Mr. Chairman, as we consider H.R. 3133, the HUD-independent agencies appropriations bill for fiscal year 1984, I want to emphasize my support for the committee's recommendations for the National Science Foundation and other programs of the bill in the jurisdiction of the Subcommittee on Science, Research, and Technology. The HUD-Independent Agencies Subcommittee and its chairman, Mr. BOLAND, should be commended for the strong support this bill shows for the basic sciences in research and education.

The House recently passed an authorization for the National Science Foundation of $1,231.7 million in fiscal year 1984. The NSF authorization, in conjunction with H.R. 1310, the science and math education bill, emphasized science education and instrumentation, as well as an increased commitment to basic research, including research in the social and behavioral sciences. I am pleased to note that the appropriations bill we are now considering parallels very closely the authorizing recommendations. While there are always arguments for more funds for science and engineering education, fiscal restraints do limit further increases at this time.

To the degree the authorizations in these functions are not met, I hope the emphasis in these areas will point the way for future directions.

I also want to urge support for the $3.705 million which the committee recommended for the Federal Emergency Management Agency's earthquake program. The Committees on Science and Technology and Interior and Insular Affairs reported this same level of funding in H.R. 2465 for FEMA's earthquake effort. FEMA is the lead agency responsible for planning and coordinating the national earthquake hazards reduction program. The recent destructive earthquake in Coalinga, Calif., along with earthquakes occurring in such distant places as Vermont demonstrates the need to have a strong, well-coordinated Federal effort to minimize damage from earthquakes. We have yet to experience the big one that is expected in California. No one who saw the television pictures of the violent movement of buildings in the Japanese earthquake last week could fail to understand the importance of this expenditure.

Although I support the bill, I regret that a reduction was made to the societal response research effort into how people respond to the hazards of earthquakes at the National Science Foundation. If this reduction remains, only $800,000 would be left to facilitate the use of research findings from the Earthquake Engineering and Earth Sciences Divisions at NSF and develop a better base of knowledge of how people behave in regard to earthquake hazards. I hope future actions will bring this program back to the administration's request and reported authorization level. Whenever this administration recognizes a need in this kind of area, we should take them up on it.

Finally, we should underscore the importance of the additional $1 million in H.R. 3133, above the administration's request of $3.3 million for programs at the U.S. Fire Administration. The U.S. Fire Administration was created in 1974 because of the disas-

trous loss of life and property caused by fires in the United States. The annual deaths from fire are roughly equal to two jumbo jets crashing in mid-air every month. Clearly local firefighters deserve the full support of their National Government in fighting these kinds of tragedies.

These are several important programs that the members of the Science and Technology Subcommittee have worked hard to preserve and strengthen. We greatly appreciate the interest and help of our colleagues on the Appropriations Committee and hope our fellow Members in the House will join us in supporting them.●

● Mr. GARCIA. Mr. Chairman, it is with some reservations that I will vote in support of H.R. 3133, the HUD-independent agencies appropriations bill. First, let me state that the committee is to be commended for its efforts in the area of assisted housing funding. It is restoring some of the energy into the housing programs which have faced some of the most dramatic cuts in Federal fiscal history. The committee's work in providing sound levels of public housing operating subsidies, new section 8 commitments and the continuation of the section 312 authority are all major achievements. However, there are two areas of concern to me with respect to H.R. 3133.

In particular, the committee's recommendation for a $312.5 million demonstration voucher program is most disturbing. The voucher idea has been explored in depth by the Banking Committee and rejected on two occasions. During the 97th Congress, the Banking Committee, Subcommittee on Housing voted 20 to 4, a bipartisan vote, to reject a voucher amendment. Most recently, by a voice vote during the markup of the Housing and Urban-Rural Recovery Act, H.R. 1, the Banking Committee's Subcommittee on Housing again rejected this program.

There are many outstanding questions with respect to this proposal and few, if any, are really answered either in this bill or in its accompanying report.

First of all, let me state that I reject the theory behind the voucher proposal that the problem of housing the poor is one of affordability rather than availability. The theory is remiss by suggesting that all we need to do is provide additional funds to the poor. In many neighborhoods of my district, there is simply no place to shop for available housing. Indeed, were we to have a voucher program in the South Bronx area, it could not work in the South Bronx. Longtime residents would have to leave the community just as so many individuals are struggling to rebuild it. For a voucher program to work, it needs a production program. This appropriation bill does not provide that side of the equation. The new section 8 moderate rehabilitation dollars found in the bill are not designed to work with the demonstration program.

The Appropriations Committee recommends an annual subsidy under the voucher program of $2,500. This is much less than the $4,000 per unit allowance under the section 8 existing program and the $4,407 per unit cost under the section 8 moderate rehabilitation program. I am uncertain just what the justification for the $2,500 is. Will there be cheaper housing suddenly available? Will housing quality standards be lower? Will we adequately meet the needs of the low-income family with such a level of funding? Who exactly are we trying to serve: The low-income family, the moderate-income family, or some other client? Do we know if the elderly should participate?

There are other unanswered questions such as: How long will the demonstration program last? How long are the individual contracts good for? What happens to the individual once his or her voucher runs out? Will there be annual adjustments? Indeed, the committee cannot answer these questions and even goes so far as to state in its report on the bill that "because the program is not authorized and thus the detail and definition of its ultimate framework are unknown," it must reserve final approval of the demonstration program before the funds are spent. It is my hope that no funds will be spent until such time that authorization language is passed by the House Banking Committee.

The second concern I have with H.R. 3133 is the level of funding for the CDBG program. The appropriations bill provides $3.4 billion for fiscal year 1984. However, this level fails to recognize some of the increased pressures on the program including the addition of approximately 60 more entitlement communities and the impact of inflation over the last few years. Furthermore, with the reductions in other Federal programs, increased reliance on the CDBG funds for community activities has strained the program. The Banking Committee has recommended a $1 billion increase for the CDBG program because of these pressures. Failure to provide an increase in funds either now or in some future supplemental, at least to the level in the House's budget resolution, will have some serious consequences by reducing funding at a time of such dire needs.●

● Mr. BOUCHER. Mr. Chairman, today we will choose between two courses of treatment for the ailing Environmental Protection Agency. One course, dictated by the committee version of the HUD-independent agencies appropriations bill, will freeze EPA's operating budget at its real fiscal year 1983 level, thereby leaving intact the massive budget cuts suffered by the Agency in the past 2 years. The alternative, proposed by the gentleman from Colorado, recognizes the seriousness of EPA's problems and restores the operating budget to its fiscal year 1981 level. I urge my colleagues to join with me in support of Mr. WIRTH's amendment.

The recent appointment of William Ruckelshaus as EPA Administrator has raised hopes for the much needed redirection and rebuilding of the Environmental Protection Agency. I share this hope, and I am pleased to see the appointment of an Administrator who has shown an understanding of the complex environmental problems facing this Nation. I am concerned, however, that we not inflate these hopes unduly and ask Mr. Ruckelshaus to perform a difficult task without the necessary resources.

The wholesale dismantling of important environmental programs and the problems apparent at EPA today have their roots not only in the administration appointments to Agency positions but also in a serious underfunding of Agency activities. Across the board, the Agency's programs have been hampered—indeed crippled—by 2 years of severe budget cuts. Despite the magnitude of today's environmental and health problems, the Congressional Budget Office reports that the EPA has suffered a 44-percent funding decrease in real dollars since 1981.

Recent congressional investigations and reports of the trauma suffered by people in communities such as Times Beach, Mo., attest to the damage that shortsighted cutbacks may yield.

Programs which are critical to the protection of the public health are now in serious decline, with major problems in the areas of enforcement, research, and support to State environmental programs. EPA staff has been reduced by one-third since 1981, and many of the Agency's regulatory responsibilities have been neglected due to lack of resources. State programs for water quality monitoring, hazardous waste management, and air pollution control have been similarly affected with drastic reductions in State grant funding. Without adequate grant assistance, which Congress has considered an integral part of Federal environmental laws, the States will be unable to fulfill their responsibilities under mandated Federal programs.

I urge my colleagues to listen carefully to the outpouring of public opinion on environmental protection and to examine closely the deep deterioration of EPA programs. Let us begin rebuilding the strong bipartisan commitment to protection of our resources with passage of the Wirth amendment.●

● Mr. LUNDINE. Mr. Chairman, I rise in opposition to H.R. 3133, the HUD-independent agencies appropriations for fiscal year 1983. I do so with reluctance, since I support most of the programs funded by this measure.

My opposition is based upon what I believe to be a serious breech of House procedure and a blatant disregard for the will of the Housing Subcommittee and the Banking Committee. H.R. 3133 includes provisions which seek to fund a new housing voucher program for which no committee authorization exists and which the Banking Committee does not intend to authorize.

I do not want to use my time to debate the propriety of making policy and authorizing decisions in an appropriations measure. My primary objection is the inclusion of more than $312 million for a housing voucher demonstration program. It is my strong belief that the House would be ill advised to accept such a recommendation as part of this or any legislation.

The question of housing vouchers has been before the Housing Subcommittee for 2 years. It has been the subject of hearings and discussions. Not only has the subcommittee gone on record opposing this proposal, it has twice defeated efforts to include even a limited demonstration program in its annual housing authorization legislation.

As a member of the Housing Subcommittee who has given this matter considerable thought, I cannot overstate my opposition to the concept of housing vouchers. It is inadequate as a tool of housing policy and is clearly inappropriate in light of our current budget restrictions.

I believe the subcommittee chairman (Mr. GONZALEZ) stated very accurately in yesterday's debate that the effect of a housing voucher program would be to isolate the Nation's poor in areas with the least expensive and least desirable housing. Unlike the current section 8 existing housing program, the voucher proposal imposes no requirements that standards of safety and adequacy be met and maintained as a condition to receive housing payments. The inadequate subsidy offered by the voucher proposal would, therefore, guarantee that we would not only further concentrate the poor in some of the worst neighborhoods in our Nation's cities, but would also force up rents on our poorest housing stock and provide a tremendous windfall for some of the worst slum lords in the country.

What we would also do by accepting this proposal is create what amounts to a new entitlement program for housing. While this proposal calls for only 25,000 housing vouchers during fiscal year 1984, a similar proposal in the Senate would provide more than 80,000. Beyond this, the proposal establishes criteria under which millions of families are potentially eligible for assistance. It is certainly not an appropriate time to create a new program under which potentially millions of Americans could become entitled to monthly housing assistance checks.

My colleague from Ohio (Mr. WYLIE) cited an editorial by George Will in yesterday's debate to illustrate the growing cost of our housing programs. What he failed to quote, however, were Mr. Will's observations that a housing voucher program would be guaranteed to generate both political and legal pressure to expand funding to serve all eligible people. As Mr. Will's May 26 article stated:

> After all, only randomness, not justice, can govern the allocation of a benefit among 80,000 of many millions of eligible persons. So the voucher system would have the potential for exponential growth comparable to that of the food stamp program.

Mr. Chairman, it would be irresponsible in light of our current budget problems to create a new entitlement program that would provide potentially millions of Americans with more than $2,000 per month to live in housing that is already inadequate. This is poor public policy, irresponsible budget policy and an inadequate response to the very serious housing problems of the Nation's poor families.

A housing voucher proposal should not be approved by this body, certainly not as part of an appropriations bill. I therefore object to the legislation and urge its defeat.●

● Mr. BROWN of California. Mr. Chairman, I congratulate my colleague, the chairman of the Subcommittee on HUD-Independent Agencies Appropriations, Mr. BOLAND, for his excellent work on the bill before us. As is usually the case, there are elements in the bill that I am happy with and others that I am not happy with. I do urge my colleagues to support final passage of the legislation before us.

I would like to make a few remarks about some of the elements of this bill:

This year's appropriation for the National Science Foundation is a healthy one. Congress has had to fight hard over the last few years to provide NSF with the funds it deserves, and I want to thank the chairman of the subcommittee for his strenuous efforts on behalf of NSF. This year, the administration has joined with the Congress in recognizing the important role that basic research and development will play in the future economic growth of our country.

To make sure that our country stays at the cutting edge of scientific research, we need a well-maintained scientific infrastructure. Unfortunately, over the last decade we have let that infrastructure start to decay. I am very pleased to see positive action taken in this appropriations bill to stem that decline in two important areas: Science education and university research instrumentation. Without a well-educated and well-trained citizenry, our country will not be able to hold its own in the increasingly technological and increasingly competitive international marketplace. Equally important to the scientific health of our Nation is up-to-date research instrumentation. Both of these needs have been recognized in authorization action taken earlier this year by this House. In this appropriations bill, there is $70 million for science education and $15 million for a high technology instrumentation initiative. I am disappointed that we have not provided even more funds for these important programs. The amounts appropriated in this bill will only begin to meet the need. I hope that during the course of the next year, we will take further action to strengthen the foundation of our scientific enterprise.

I am disappointed that the NSF's earthquake societal response research effort was reduced significantly. This program helps develop a base of knowledge about how people respond to earthquakes. It is an important element of earthquake research. If we were able to predict an earthquake today, and this is a capability we are trying to develop, we would not know how to break the news to the residents of the affected area. In China, for example, there is much more control exerted on the general population by the Government. When an earthquake is predicited there, the population files out of the area in an orderly fashion. I ask my colleagues to try and imagine what would happen if a major earthquake were predicted in the Los Angeles area? It would result in utter chaos. I hope that the minimal effort that is going on at the National Science Foundation in the earthquake societal response research is continued.

Mr. Chairman, I am still concerned with the relatively low level of funding for space science and applications programs of the National Aeronautics and Space Administration (NASA). While I am encouraged and pleased by the committee's support of the planetary and physics and astronomy programs, we have a long way to go to bring these programs back to healthy levels. I appreciate the chairman of the subcommittee's support for these programs and hope to continue to cooperate with him on them.

In my opinion, the civilian space programs have already demonstrated benefits to the economic competitiveness of the United States. The space applications programs serve to enhance the absorption into the economy of the commercial benefits of our space research. We are really dropping the ball by not realizing that and supporting these programs to a greater degree.

It is no secret that I have been generally disappointed with the increasing imbalance between the military and civilian funding for space activities. The Department of Defense now spends several billion per year more than NASA does on space activities. And at least 25 percent of NASA's work can be attributed to military support. We need to take a hard look at our overall space policy and I intend to take every opportunity to do that. I hope I can interest some of my colleagues in this endeavor.

Mr. Chairman, my remarks regarding the Environmental Protection Agency appropriations are contained in the discussion on the Wirth amendment.

Thank you Mr. Chairman, I urge adoption of the HUD-independent agencies appropriations bill.●

● Mr. COYNE. Mr. Chairman, I rise in support of H.R. 3133, the HUD-independent agencies appropriations bill for fiscal 1984.

This bill rejects the administration proposal to virtually eliminate all new funding for assisted housing in the next fiscal year. The committee's appropriation of $12.6 billion for low-income housing, while not nearly enough to meet the need, is an important commitment to elderly and poor persons who lack decent and affordable shelter.

Let us compare the administration's housing budget request with the documented need. The Reagan budget for fiscal 1984 proposes a 95-percent reduction in the level of HUD budget authority for assisted housing. As the National Low Income Housing Coalition notes in an analysis of the Reagan budget proposals:

> The level of budget authority for HUD's low income housing programs is only 1.9 percent of the level provided when President Reagan took office. Indeed, it is only 2.1 percent of the $23.9 billion proposed by President Ford in the budget he submitted to Congress just days before leaving office. Moreover, these are current dollar comparisons, which do not allow for inflation.

Now let us consider the need for low-income housing, as described by figures contained in the President's Commission on Housing's 1982 report. There are about 20 million households with incomes below 50 percent of the area median. To give you some idea as to how much income that is, in my own 14th Congressional District of Pennsylvania, which includes the city of Pittsburgh, a household below 50 percent of area median means less than $8,914 in income.

Of the 20 million households with incomes less than 50 percent of area median, 10 million are renters. Only about a quarter of these live in subsidized housing. Most of the rest, some 7.5 million households, live in substandard housing or pay far more than they can afford for shelter.

The committee addresses this increasingly difficult situation in a far more responsible manner than does the administration.

While I strongly support the committee's funding level for assisted housing, I must voice my strong reservation about a section of the bill which provides $312.5 million for a housing certificate, or voucher, program. The commitment of funds for this flawed initiative is, I believe, a mistake.

The committee notes that it is the view of this administration that "the problem of the poor is not one of housing availability but, rather, of housing affordability."

I am among those who contend that the problem is one both of availability and affordability. The administration clearly believes that we do not need any new low-cost housing. For this reason, it has promoted the notion, thus far without success, that Federal housing assistance should not encourage construction or rehabilitation, but should be in the form of vouchers to a limited number of poor people, who would use the vouchers as they see fit.

While this method of Federal housing aid may sound workable in theory, there are several reasons why it will fail in practice to meet our housing needs.

First, the voucher approach, in a dramatic shift in Federal housing policy, does not guarantee that a single new housing unit will be built. Not a single job will be created as a result of a sizable Federal expenditure. Moreover, by stimulating demand while doing nothing to increase supply at the lower end of the housing market, we may put the Federal Government at risk of subsidizing poor people to live in unsafe and unhealthy dwellings. In no voucher proposal advanced thus far are there any protections that insure that Federal dollars will be spent on safe and decent housing, rather than what could become voucher hotels.

Second, the voucher assistance method overlooks the gains made by the Federal Government in recent years by developing a public/private approach to the production of housing for low- and moderate-income people. The vouchers would require a major Federal contribution to housing assistance, but make no demands on the private sector. A cost-effective approach to housing requires involvement of both public and private entities. The purpose of Federal housing aid should not be to subsidize landlords, regardless of the quality and condition of their property. It must seek to improve and expand our housing stock so that it can be affordable to persons of low and moderate income.

Third, I am troubled that there is no long-term commitment of Federal resources to any of the parties traditionally involved in housing development—tenant, owner, builder or developer. If there is one thing we have learned in nearly half a century of Federal activity in housing, it is that insuring affordable shelter for all Americans is a long-term effort. It cannot be subject to year-to-year fluctuations as we exchange this program for that program.

Fourth, by ignoring an important fact of life, that housing markets are local, not national, the voucher system is set up to fail in those markets where low- cost rental housing is in short supply. Despite the administration's assertion to the contrary, housing availability as well as affordability is a problem in many areas. Having a voucher to supplement the rent is of little use where there is no place to rent.

I know the Appropriations Committee is aware that in H.R. 1, the Housing and Urban Rural Recovery Act of 1983, there are several housing and community development programs which are most worthy of appropriations. I am confident that after the House acts on H.R. 1, possibly sometime this month, the committee will appropriate funds for such innovative new programs as neighborhood development grants. In addition, I hope serious consideration is given to increasing the amount appropriated for community development block grants. I would remind my colleagues that without some increase in block grant funds, all entitlement localities face a net reduction in allocations as a result of the qualification of approximately 60 new entitlement cities. If there are more pieces in the pie, as the demographic changes mandate, the slices will necessarily shrink unless we act.

Again, I commend the committee for bringing to the House an appropriations bill which recognizes the real need for assisted housing money. I urge my colleagues to vote "yes" on H.R. 3133.●

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of the bill?

If not, are there further amendments to the bill which are not precluded by clause 2(c) of rule XXI?

Mr. DANNEMEYER. Mr. Chairman, I have an amendment.

The CHAIRMAN. The gentleman from California (Mr. DANNEMEYER) seeks recognition for the purpose of offering an amendment.

Mr. BOLAND. Mr. Chairman, I move that the committee do now rise

and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts (Mr. BOLAND). This is a privileged motion.

The question was taken; and on a division (demanded by Mr. DANNEMEYER) there were—ayes 11, noes 16.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 144, noes 225, not voting 63, as follows:

[Roll No. 148]

AYES—144

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Annunzio
Anthony
Barnard
Bates
Beilenson
Bennett
Bevill
Boland
Bonior
Borski
Breaux
Britt
Brooks
Carper
Carr
Chappell
Clarke
Coelho
Cooper
Coyne
D'Amours
Daschle
de la Garza
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Dwyer
Dyson
Early
Edgar
English
Evans (IL)
Fascell
Ferraro
Fish
Flippo
Foley
Ford (MI)
Ford (TN)
Fowler
Fuqua
Garcia
Gephardt
Glickman
Gray
Green
Guarini
Hall (IN)
Hance
Harrison
Hatcher
Hefner
Hertel
Hightower
Hoyer
Hubbard
Huckaby
Hughes
Ireland
Jenkins
Jones (NC)
Jones (OK)
Kennelly
Kildee
Leath
Lehman (CA)
Levin
Levitas
Lipinski
Long (LA)
Long (MD)
Markey
Mavroules
Mazzoli
McCurdy
McHugh
McKinney
McNulty
Minish
Mitchell
Moakley
Montgomery
Moody
Mrazek
Murphy
Murtha
Myers
Natcher
Nelson
Nichols
Oberstar
Obey
Olin
Ortiz
Owens
Pease
Pepper
Perkins
Pickle
Ratchford
Reid
Rodino
Roe
Rose
Rostenkowski
Roybal
Savage
Sawyer
Seiberling
Shannon
Simon
Skelton
Slattery
Smith (IA)
Spratt
St Germain
Staggers
Stokes
Studds
Synar
Tallon
Thomas (GA)
Udall
Valentine
Vento
Volkmer
Watkins
Wheat
Whitley
Whitten
Wolpe
Wright
Yates
Young (MO)
Zablocki

NOES—225

Andrews (TX)
Applegate
Archer
Aspin
Barnes
Bartlett
Bateman
Bedell
Bereuter
Biaggi
Bilirakis
Bliley
Boehlert
Boner
Bosco
Boucher
Boxer
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton
Byron
Campbell
Chandler
Clinger
Coats
Coleman (MO)
Coleman (TX)
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
Dellums
DeWine
Dixon
Downey
Dreier
Duncan
Durbin
Dymally
Eckart
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
Erdreich
Erlenborn
Evans (IA)
Fazio
Feighan
Fiedler
Fields
Forsythe
Frank
Franklin
Frenzel
Gaydos
Gejdenson
Gekas
Gilman
Gingrich
Gonzalez
Goodling
Gore
Gramm
Gregg
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hansen (ID)
Hartnett
Hiler
Hillis
Hopkins
Horton
Hunter
Hutto
Hyde
Jacobs
Jeffords
Johnson
Kaptur
Kasich
Kastenmeier
Kemp
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leland
Lent
Lewis (CA)
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
McCandless
McCloskey
McCollum
McDonald
McEwen
McGrath
McKernan
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Molinari
Mollohan
Moore
Moorhead
Morrison (CT)
Neal
Nowak
O'Brien
Oakar
Ottinger
Oxley
Packard
Parris
Patman
Patterson
Paul
Penny
Petri
Porter
Quillen
Rangel
Ray
Regula
Richardson
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland
Rudd
Russo
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Sikorski
Skeen
Smith (FL)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Snyder
Solarz
Solomon
Spence
Stangeland
Stark
Stenholm
Stump
Sundquist
Swift
Tauke
Tauzin
Taylor
Thomas (CA)
Torricelli
Vander Jagt
Vandergriff
Walgren
Walker
Waxman
Weaver
Weber
Whitehurst
Whittaker
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolf
Wortley
Wyden
Wylie
Yatron
Young (FL)
Zschau

NOT VOTING—63

AuCoin
Badham
Berman
Bethune
Boggs
Bonker
Carney
Chappie
Cheney
Clay
Collins
Conte
Conyers
Craig
Crockett
Derrick
Dickinson
Florio
Foglietta
Frost
Gibbons
Gradison
Hansen (UT)
Harkin
Hawkins
Heftel
Holt
Howard
Jones (TN)
Kazen
Kolter
Kostmayer
Leach
Lehman (FL)
Levine
Lloyd
Marlenee
Martinez
McCain
McDade
Mica
Morrison (WA)
Nielson
Panetta
Pashayan
Price
Pritchard
Pursell
Rahall
Ridge
Sabo
Shuster
Siljander
Sisisky
Smith, Denny
Stratton
Torres
Towns
Traxler
Vucanovich
Weiss
Wilson
Young (AK)

□ 1430

Messrs. COLEMAN of Texas, RICHARDSON, KOGOVSEK, OTTINGER, DYMALLY, MACKAY, BONER of Tennessee, SCHUMER, NOWAK, and PATTERSON, Mrs. SMITH of Nebraska, and Messrs. MATSUI, LOWRY of Washington, RINALDO, and QUILLEN changed their votes from "aye" to "no."

Messrs. GLICKMAN, MINISH, VENTO, and VOLKMER changed their votes from "no" to "aye".

So the motion was rejected.

The result of the vote was announced as above recorded.

□ 1440

AMENDMENT OFFERED BY MR. DANNEMEYER

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

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: Page 15, after line 10, insert the following undesignated paragraph:

None of the funds provided in this Act may be obligated or expended to impose sanctions under the Clean Air Act with respect to any area for failure to attain any national ambient air quality standard established under section 109 of such Act (42 U.S.C. 7409) by the applicable dates set forth in section 172(a) of such Act (42 U.S.C. 7502 (a)).

Mr. DANNEMEYER. Mr. Chairman, this amendment relates to a subject that involves the Clear Air Act. In the last Congress, the Energy and Commerce Committee spent weeks on end attempting to resolve some of the major issues that are still being debated as a result of the Clean Air Act of 1970 and the amendments to it which Congress adopted in 1977.

Quite frankly, we could not come to agreement on some of the major issues such as acid rain, PSD, and hazardous wastes, to name a few.

On some of the votes on the issues that I have mentioned, things were so close that we were within one vote of coming to a resolution of the matter.

Had we resolved the matter in the 97th Congress, we would have addressed the issues that I have mentioned as well as the matter of deadlines, and we would not be here today. But we did not.

We were philosophically at variance and we still are in that committee.

In my opinion, sentiment is so closely divided on these issues and others that, in my judgment, it is not probable that we, in the 98th Congress, are going to get a comprehensive reform of the Clean Air Act because, quite frankly, there are points upon which reasonable men and women can differ and there are very strong feelings on these points on many sides. And we have, of course, the spectrum of politics that continually raises its ugly head on these issues in the sense that any effort to modify the Clean Air Act, even where needed, is perceived and painted by some as a gutting of that act.

It is unfortunate, but it is part of the political world in which we live.

In my area of southern California we have the unenviable distinction of being in nonattainment. It is not unique. There are 213 counties in this country, touching all or part of 180 congressional districts, that are in

nonattainment of the December 31, 1982, deadline or cannot project compliance with the 1987 deadline. This means, my colleagues, that if we do not do something in the 98th Congress on this issue that each of us may be asked to respond to inquiries from our constituents which will go something like this:

Congressman, do you mean to tell me that, as a consumer, I have to start paying an additional 5 cents a gallon for Federal gas tax as of April 1, 1983, and now my local member of the board of supervisors is telling me that our area of the State is not going to get any of that money because we are not in attainment under the Clean Air Act; that I am paying my 5 cents a gallon and my area is not going to get any share of those moneys to improve our roads? Why doesn't Congress do something about that ridiculous position, which amounts to taxation without apportionment and representation?

So that is what this amendment is about. The amendment says very simply that the EPA may not impose sanctions on a region, a county, of the country for failure to attain the deadline by December 31, 1982. It is just for 1 year, obviously for the length of this appropriation measure. It is not forever. But at least it will be able to give hopefully our committee some additional time to resolve the issue. Maybe we cannot. I hope that we can.

The prudent thing which we as a Congress should do is to extend the deadline for achievement to 1987 or 1992 for some pollutants. But, as I mentioned, we cannot get to that issue because that would be a part of a comprehensive reform of the Clean Air Act.

I hope we get there but I do not think we will in the 98th Congress.

In the meantime this amendment just very simply says that the EPA will not impose sanctions for those regions of the country that are in nonattainment.

We are not changing the standards. We are just saying for the period of 1 year that sanctions will not be imposed for failure to attain.

Does the gentleman from Texas desire recognition?

Mr. WRIGHT. Yes. Will the gentleman yield?

Mr. DANNEMEYER. I will be happy to yield.

Mr. WRIGHT. I want to commend the gentleman on the position he is taking. I think it is a responsible and a thoroughly reasonable position that he takes.

One of the most ridiculous applications of administrative power, it seems to me, has been the hastened attempt on the part of some people in the EPA to shut off the availability of any needed Federal funds to areas which may be having some difficulty with their ambient air quality standards.

The CHAIRMAN. The time of the gentleman from California (Mr. DANNEMEYER) has expired.

(On request of Mr. WRIGHT and by unanimous consent Mr. DANNEMEYER was allowed to proceed for 3 additional minutes.)

Mr. WRIGHT. Does not that application by an overzealous administrator have the unfortunate effect, in many cases, of depriving the community of the very improvement that it would need to improve its air quality standards?

Mr. DANNEMEYER. As to the latter part of the gentleman's statement, I agree with my colleague from Texas. But as far as his statement about something of an overzealous administrator, let me make this observation: Within the last 4 or 5 months Mrs. Burford, the Administrator of the EPA, sent out a letter to these 213 counties saying they were not in attainment. Now some have said that that letter was politically motivated and was to be used or interpreted as a hammer to cause pressure to be brought on Congress to modify the Clean Air Act. One can make that claim but my view of the facts and the law is that, if the Administrator of the EPA had not taken such a position, certain elements in our society would have taken the EPA to court to compel the EPA to take that position.

□ 1450

So I say there are two sides to that.

Mr. WRIGHT. I thank the gentleman for that elucidation and without making any judgment as to whether an administrator can be overzealous, underzealous, or properly zealous, let us just pursue the other part of the question.

Is it not true that by closing off a needed highway improvement, we might, inadvertently be perpetuating a situation in which automobiles are forced to start and stop in crowded traffic and thereby spew more pollutants into the air than they would be doing if they had a well-engineered, adequate highway on which to travel at a steady pace? That is a reasonable, well-established principle of aerodynamics and of air quality. Is it not also true that the application of this rule, whether proper or overzealous, could have the unfortunate effect of depriving a community of the privilege of building a sewage disposal plant which most clearly would be advantageous from the standpoint of environmental purity? And therefore, I want to commend the gentleman because I think what he has done has been to arrest a temptation and perhaps a congressionally mandated temptation to act in haste in such a way as to defeat the very purpose we seek to achieve. It would be almost like saying, "because you have too many criminals we are not going to allow you to have a jail" or "because you have too much disease you may not have a hospital with which to treat the disease."

Mr. DANNEMEYER. Very well stated.

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

Mr. DANNEMEYER. I yield to my colleague from California.

Mr. LAGOMARSINO. I thank the gentleman.

I want to commend the gentleman for his amendment. I think most of what the majority leader just said is certainly true and accurate in my district.

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. LAGOMARSINO and by unanimous consent, Mr. DANNEMEYER was allowed to proceed for 1 additional minute.)

Mr. LAGOMARSINO. Will the gentleman yield further?

Mr. DANNEMEYER. I yield to the gentleman.

Mr. LAGOMARSINO. I thank the gentleman.

Certainly a failure to pass this amendment or something similar is going to cause more air pollution, not less and I think at this point it really is not too constructive to try to decide whether EPA was overzealous, not zealous enough. I think what the gentleman said is entirely accurate. Had they not taken the action they did they certainly would find themselves in court with people seeking to compel them to take the action they did.

So, I commend the gentleman in the well.

Mr. HARTNETT. Will the gentleman yield?

Mr. DANNEMEYER. I yield to my colleague from South Carolina.

Mr. HARTNETT. I thank my colleague.

I would like to commend the gentleman for his amendment and associate myself with his remarks.

I would like to further inquire of the gentleman something to my own satisfaction. I consider the gentleman to be one of the more eloquent orators in this body and I noticed just a few moments ago in his remarks and I almost can quote, he said certain elements of our society. I would like to inquire of the gentleman for the use of that term, "certain elements of our society," did he intend any derogatory slurs or remarks or was it——

The CHAIRMAN. The time of the gentleman has expired.

(On request of Mr. HARTNETT and by unanimous request, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. HARTNETT. I would like to inquire—would you further yield to me?

Mr. DANNEMEYER. I would be happy to yield to my colleague.

Mr. HARTNETT. I would like to inquire whether it is not possible for someone to speak somewhat authoritatively, somewhat eloquently, use the phrase "certain elements" and not intend any derogatory remarks or any racial slurs to any groups of our society, is that not possible or did you intend that?

Mr. DANNEMEYER. I am certainly glad you pointed that out because it was my intention to avoid all those offensive characteristics that you described and I thank you for pointing that out.

Mr. HARTNETT. If you will further yield for half a second, "certain elements" in your definition were parts of, fractions of, less than the whole of our society; is that not correct?

Mr. DANNEMEYER. Certainly true.

Mr. HARTNETT. Thank you, sir. I appreciate the gentleman yielding.

Ms. FIEDLER. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I would be happy to yield to my colleague.

Ms. FIELDER. I thank the gentleman. I rise in support of his amendment.

During the course of the debate on the jobs bill I raised this issue before the House of Representatives because I, too, was deeply concerned about the impact of these sanctions. I am hopeful that today we will vote in support of the gentleman's bill and alleviate the necessity of concern in the next few months for those of our counties that are directly affected. But I would like to ask and inquire, could you tell me how long this amendment would limit the rights of them to impose these sanctions?

Mr. DANNEMEYER. It would be limited to the length of the appropriation bill which would expire September 30, 1984, at the end of this fiscal year.

Ms. FIELDER. By that time hopefully we would have been able to resolve the issue through committee.

Mr. DANNEMEYER. I would hope we can, perhaps we can.

Ms. FIELDER. That would not start until October 1.

Mr. DANNEMEYER. The amendment would be effective October 1 of this year and it would run through September 30 of next year.

Mr. LUNGREN. Will the gentleman yield?

Mr. DANNEMEYER. I yield to my colleague.

Mr. LUNGREN. I thank the gentleman for yielding.

I hope everyone realizes this is not a partisan or liberal versus conservative position. About 2 months ago the mayor of Los Angeles, Tom Bradley, and a number of the members of the city council came to speak to a number of us who have the pleasure of representing parts of that city.

One of the points they tried to make was that if the EPA standards were not——

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

Mr. DANNEMEYER. I yield to my colleague.

Mr. LUNGREN. I thank the gentleman.

One of the points made by the mayor of Los Angeles and several council members, Mr. Yaroslavsky being one of them, was if we do not do something to put off these dates, the city of Los Angeles, despite in their opinion making the good faith effort to try to do those things that are necessary to clean up the air, would find itself in violation of the law and they would be subject to the sanctions that the gentleman has spoken about. In some cases, not allowed to receive funds which would help them with sewer projects and other things which would presumably help to improve the environment. And their very strong request at that time was that if we could not have some consideration of a comprehensive nature coming out of our committees, at least we consider putting off the dates of the sanctions and without them describing to us what they thought the proper legislative course was, I would suggest that what the gentleman has produced on the floor fits well within the request made by the mayor of Los Angeles and the city council that we at least give them some breathing space and that we attempt to act in a way that does not unduly affect certain areas of our country. And I hope the gentleman would get unanimous support on his amendment.

Mr. SHAW. Will the gentleman yield?

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

Mr. SHAW. I thank the gentleman for yielding.

Mr. Chairman, I associate myself with the gentleman's amendment and his remarks. I believe that the example that we have in my own home county of Broward County perhaps shows the problems with the existing law.

We have a situation where due to pollution in a neighboring county. Broward County does not comply under the Clean Air Act.

It is a situation where we can do nothing about it. However, under the existing law we would be penalized. So, I compliment the gentleman on his amendment and I intend to support it fully.

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

Mr. Chairman, I rise in support of the amendment.

I know it may surprise many of you to see Congressman DANNEMEYER and myself joining in support of an amendment dealing with the Clean Air Act. We fought over much of the revisions that were being suggested in the last Congress and I resisted the kinds of changes that I thought were detrimental to an effective Clean Air Act that would keep the promise to clean up the dirty air areas of our country and to try to preserve those areas that are already healthy enough, so that they do not become deteriorated.

But the amendment that is before us is a reasonable safeguard against unreasonable administration action.

Most importantly it does not change the existing law. It merely makes Congress intention in the act sanctioned policy as clear as possible. Now why do we have this issue before us? I do not think the law was ambiguous. But we found when we had former EPA Administrator Anne Burford suggesting that sanctions ought to be imposed wholesale all around the country because of her interpretation, or misinterpretation I might add, of what the law was.

□ 1500

She seemed to have gone to great pains to enunciate a policy that scared local governments around the Nation to the maximum extent possible and I believe quite frankly that was the political objective behind her statement.

But EPA's interpretation of the law's sanctions was and is inaccurate and misguided. And it was politically motivated. The hope was that Congress would be pressured into voting for a Clean Air Act change that would gut the Clean Air Act because we feared the sanctions that would be imposed so unreasonably on States and communities around the country.

Mrs. Burford told us that the Clean Air Act forced her to impose sanctions on any area that failed to meet the act's deadlines by December 31, 1982. Under this interpretation, as she related it to us, EPA had no choice but to implement the act's necessary but tough bite. Restrictions on new construction and the withholding of Federal highway grants. This interpretation was clearly wrong. In truth, the law does not place restrictions on new sources, permits or funding on any State that is now properly carrying out an approved plan to meet our air standards as rapidly as possible.

Further, the construction ban can only be imposed in areas which have not adopted or carried out air quality plans.

Moreover, the withholding of Federal highway grants is not mandatory, it is discretionary and it requires determination by EPA that a State is not

making reasonable efforts to submit an acceptable clean air plan.

And even if this determination were to be made, the restriction can only be applied to highway grants for purposes other than safety, mass transit, or projects necessary for immediate air quality benefits.

In short, EPA's sanction policy is a legal fantasy. We in Congress have resisted the administration's effort to push through a toothless Clean Air Act, but the pressures from EPA's misguided sanctions policy may continue.

This amendment puts an end to any confusion over Congress intent in its sanctions program. The amendment merely confirms what everyone, except EPA, at least under the previous regime, knows. Sanctions cannot be imposed on areas that despite good faith efforts failed to meet the air quality standards.

In short, I do not think we have a sanctions problem, but to the extent this amendment makes that clear, it is a valuable contribution to the clean air debate. It is a reasonable amendment and it deserves our support.

I appreciate the gentleman from California having shared with me his original amendment, agreeing to the amendment that is now before us, which I think is limited appropriately and accomplishes a worthwhile objective that he and I both share and others in the Congress should join with us.

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

Mr. WAXMAN. I yield to the gentleman from California.

Mr. PATTERSON. Mr. Chairman, I rise in support of the amendment of the gentlemen from California and I would like to express my thanks to Mr. DANNEMEYER and Mr. WAXMAN for taking the lead on this extremely important, yet sensitive, issue. California would be one of the States hardest hit if the Environmental Protection Agency is allowed to carry through its plan to impose sanctions against counties and States which, despite a good-faith effort, are unable to comply with the deadlines of the Clean Air Act.

Mr. Chairman, I have always been a strong supporter of the protection of our natural resources and the health of our Nation's citizens. By no means does this concern exclude the management of air pollution; I wholeheartedly support the goals and objectives of the Clean Air Act. I do, however, object to the heavy-handed, politically manipulative manner in which the EPA has decided to carry out its regulatory efforts. The consequence of such sanctions—be it a ban on construction or a loss of Federal highway funds—is very serious. In a period of record unemployment and declining industrial investment, punishing localities who have made a valiant effort to overcome the handicap of demographics or economics is unwise and unfair. The intent of the legislation authorizing the use of sanctions was to discipline those counties or States who purposely shirked their responsibility for cleaning up the air, not to punish those local governments who accepted this responsibility but were destined to fail because of factors beyond all human control.

Mr. Chairman, I am personally distressed and disappointed that we have come to the point where a Federal agency is so totally uncompromising in its zest to carry out its administrative duties that the concerns, needs, and rights of the American people are completely overlooked. Flexibility is the cornerstone of our Government and is the trait which has allowed our great Nation to meet many varied challenges throughout the past 207 years. The Environmental Protection Agency will accomplish nothing by continuing its stubborn unyielding position on this issue. Its actions will only jeopardize its future working relationship with the outside agencies charged with carrying out EPA regulations. In the long run, we will all be worse off if the EPA squelches the inherent American desire to voluntarily comply with environmental regulations. We are not asking to lower the standards of the Clean Air Act, but simply to establish a more realistic timeframe for compliance in localities where the geography, topography, meteorology, demographics, and industrial base are an unfair—and unintended—burden.

Mr. Chairman, I know firsthand the diligent and sincere effort the communities in my congressional district have put forth in an effort to meet the air quality standards imposed by the Clean Air Act. I applaud each of the individual local governments, the County of Orange, the Southern California Association of Governments, and in the south coast air quality management district for these efforts. I look forward to the day that their persistence pays off so that our citizens can breath clean air as envisioned by the act and officials need not worry about the threat of sanctions.

In closing, I would like to reiterate my strong support for the intent of the Clean Air Act as well as my determination to fight to see that these goals are not misconstrued for this amendment for I believe that it is unconscionable for the EPA to indiscriminately punish local jurisdictions in this manner.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has expired.

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

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

Mr. WAXMAN. I yield to the gentleman from Oregon.

Mr. WYDEN. I thank the gentleman for yielding.

Mr. Chairman, I, too, am pleased to see the Waxman-Dannemeyer coalition forming on this clean air amendment. I think it is pretty clear that we should not apply the sanctions for failure to obtain the standards. You apply the sanctions only if you do not have a plan to meet the standards.

And I think that the Dannemeyer amendment deals with the very real world problem of States that are working very, very hard to try and comply with the standards of the act and they should not be penalized for doing it.

I think what our colleagues need to focus on with respect to this area of the Clean Air Act is that the plan is the name of the game, not the attainment of the standards. Let us not apply the sanctions for failure to obtain the standards, let us take the Dannemeyer interpretation so that we only apply the sanctions if you do not actually have a plan that would allow the State to meet the standards.

Mr. WAXMAN. I thank the gentleman for his comments.

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

Mr. WAXMAN. I yield to the gentleman from Ohio.

Mr. PEASE. I thank the gentleman for yielding.

Mr. Chairman I would just like to ask a question to make sure I understand this. As I read the amendment, it says none of the funds provided may be used to impose sanctions for failure to attain any national ambient air quality standard established under section 109 of the act.

It does not speak as to the reason why the attainment is not reached.

Do I understand then that if this amendment is adopted, even though a State acts willfully not to meet the standards, it would still be exempt from the responsibility?

Mr. WAXMAN. Certainly we do not want a State that has acted improperly and which has rejected all opportunities to strengthen the Clean Air Act in its area to go by without sanctions. There are appropriate basis for sanctions and we expect EPA to carry that out.

What we do however say, for this one reason, failure to meet the deadlines, we will not impose sanctions.

There are other provisions of the act that say that if a State refuses to submit a plan and acts in a way that—and I am paraphrasing, rather than citing the statute—would be determined that they have no intention to act in good faith and sanctions could be imposed and would be imposed.

This only provides that sanctions will not be imposed solely for failure to meet a deadline that all people in-

volved in the Clean Air Act were prepared to extend because obviously the deadline has passed. And a State that has acted in good faith should not be so penalized.

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

Mr. WAXMAN. I yield to the gentleman from Minnesota.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I want to commend the gentlemen from California for offering the amendment. I certainly believe that the way that this has been administered in the recent past has led more to intimidation than to a good-faith interpretation of what the law and the intent is and I certainly intend to support this amendment and commend the gentlemen from California for their work.

Mr. WAXMAN. I thank the gentleman.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has again expired.

Mr. D'AMOURS. Mr. Chairman, I ask unanimous consent that the gentleman from California be allowed to proceed for 2 additional minutes.

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

Mr. DINGELL. Mr. Chairman, reserving the right to object, will the gentleman yield to me, too?

Mr. WAXMAN. Certainly if I have time.

Mr. DINGELL. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. D'AMOURS. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New Hampshire.

Mr. D'AMOURS. Mr. Chairman, I would like to ask the gentleman in the well a question. As I understand the amendment, none of the funds provided may be obligated to impose sanctions under the Clean Air Act with respect to any area for failure to attain national ambient air quality standards established under section 109.

The amendment does not specify any reasons for nonattainment. Now the gentleman responded to the prior speaker that the exemption was only for failure to attain deadlines. But is it not true that if a State, even without having made reasonable efforts to attain those deadlines, fails to meet them, funds could not be expended for punitive action?

Mr. WAXMAN. The gentleman is correct that we could not take punitive action against States that had in fact failed to meet the deadlines, but we would have sanctions imposed against them for other acts that are inconsistent with the Clean Air Act. For example, if a State refuses to submit an implementation plan to show how it is going to clean up the air.

Mr. D'AMOURS. But if the failure to submit that implementation plan results in the failure to meet the deadline, they could not be penalized; is that not correct?

Mr. WAXMAN. If I may reclaim my time, they would not be penalized for failing to meet the deadlines, they would be penalized for failing to submit a plan and acting in good faith under the other requirements as imposed upon them.

Mr. D'AMOURS. I thank the gentleman for his response.

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

Mr. WAXMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. I thank the gentleman for yielding.

Mr. Chairman, would the gentleman tell us, if he please, how the deadlines will be enforced if the sanctions are removed by this amendment?

Mr. WAXMAN. The deadlines were set out in the law and would most likely be extended under any authorization, but if a State is acting in good faith, I believe the law permits the Administrator to use some discretion with the State as to whether they are acting in good faith.

The interpretation that had been given to this section by Mrs. Burford was that she had no choice.

□ 1510

Mr. DINGELL. If the gentleman will yield further, that is a very good answer, but it is not an answer to the question I asked. The question is: How will the deadlines be enforced if the sanctions are removed?

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has expired.

Mr. WIRTH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just wanted, very briefly, to address my colleagues in the high-altitude areas of the country. There are 166 high-altitude counties that, because automobile combustion is particularly inefficient at altitudes above 4,000 feet, have difficulty reaching compliance with the Clean Air Act. Most of the counties involved have submitted to the EPA acceptable plans for reaching compliance with the law but not within the timeframes set up in the law.

What the Dannemeyer-Waxman amendment does, which should be supported, is that those high-altitude counties which are operating in good faith and have submitted plans and had them approved, can go ahead and carry out those plans submitted in good faith without the fear of sanctions.

We have, for those of you from the high-altitude areas that have this special problem—and that is most of the Rocky Mountain region—a list of all of the States and the impacted counties and would be happy to share that with you. I would hope that all of us would support the Dannemeyer-Waxman bill, which is a very reasonable approach to assuring that the counties that have operated in good faith do not get penalized, while keeping the pressure on those counties which have not operated in good faith.

I want to commend my colleagues from California and urge all of the Members to support the Dannemeyer-Waxman amendment.

Mrs. MARTIN of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not claim expertise as a member of the Energy and Commerce Committee, but I am astounded at this debate. I think that voting to lift the sanctions that enforce the Clean Air Act is an environmental vote and there is no way to deny it.

How can you support strong environmental standards and then fail to enforce them? How can you set Clean Air Act goals, and then say, if we do not reach them, it is OK?

How can the people who claim to be the leaders of environmental protection and supporters of a strong Clean Air Act say "If my area cannot meet environmental standards, we will just waive the standards." That is just flat out wrong.

If an environmental standard is necessary, then it is necessary. If it can be met, then it should be met. But if that standard is unnecessary simply because it is not being met, then it cannot be considered necessary for other areas. If the standard is valid and protects the environment, then it should be enforced, whether it be for a county, a company, the city of Los Angeles, or the State of South Carolina.

The supporters of this amendment suddenly are saying that because their areas are affected by environmental standards, we will ignore those standards. I hesitate to put a name on this type of debate, so I will not. But I will tell you that this is an environmental vote and if you support the environment, you will vote against this amendment.

I can understand voting to protect one's district. We all vote to protect our constituencies. But let us not call it something else; let us not put a mask on it by trying to hide behind some convoluted excuses.

Every industry in this country has had a difficult time meeting these standards. But if you are going to enforce standards on some, then they should be enforced on all. How would this Chamber react if it was proposed to "postpone environmental protections for 4 years because it is hard for

industry to meet them?" You would have been outraged. Well, this is the same thing.

I believe in the environment, and I believe we need environmental standards to protect the environment. I also believe that this is an important environmental vote. But if you vote to suspend the standards that we have accepted as necessary to protect the environment, then all of your other votes and press releases claiming that you are a protector of the environment will not make up for support of this amendment.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words, and I rise to oppose the amendment.

Mr. Chairman, we are seeing a very curious consequence of the failure of the House last year to come forward with a sound Clean Air Act bill. Last year, the House had a good strong piece of legislation in the Committee on Energy and Commerce. It was opposed by many of those who now say that the sanctions should not be laid against those areas in the country which have not reached their attainment date of December 31, 1982. Rather than work out a bill that could achieve a majority consensus on the committee through the amendment process, some of the proponents of this amendment used delaying tactics that insured that a bill could never be considered in the House in the 97th Congress. It was my desire then and now that through the normal legislative process a reasonable Clean Air Act bill be reported by my committee for full House consideration, rather than a piecemeal approach as part of an appropriation bill.

I am not going to urge my colleagues to vote one way or another on this amendment because it is being touted as helping some congressional districts and I understand the concerns of my colleagues. But I think we ought to analyze the situation and this amendment to see what it does and does not do. The test, I think, that can be best laid in place as to whether this is a good amendment or not is the question: Is it fair? And does it in fact achieve the objectives laid out by its proponents?

I think we ought to address the first question. The first question is: Is the amendment fair?

Let us look at the amendment first. It is as follows:

None of the funds provided in this act may be obligated or expended to impose sanctions under the Clean Air Act with respect to any area for failure to attain any national ambient air quality standard established under section 109 of such Act (42 U.S.C. 7409) by the applicable dates set forth in section 172(a) of such Act (42 U.S.C. 7502(a)).

The reference to "this act" is a reference to this appropriation bill, H.R. 3199. It is not to funds currently appropriated to EPA or to funds appropriated in fiscal year 1985. It applies only in fiscal year 1984.

The reference to "sanctions under the Clean Air Act" is not clear, because the act does not refer to "sanctions", but does provide for certain penalties should a State or a nonattainment area comply with the Clean Air Act.

But what is the law?

The Clean Air Act was amended in 1977. The objective was to attain clean air within an established time period. To achieve this, part D was added to the act. Part D required—in section 172(a), referenced in this amendment—States to submit or revise State implementation plans (SIP's) by July 1979 which relate to attainment and maintenance of national ambient air quality standards in any unattainment area and the SIP "shall provide for attainment of each such * * * standard in each such area as expeditiously as practicable, but * * * not later than December 31, 1982." For CO and ozone, this deadline could be extended to December 31, 1987, if a SIP revision is filed with EPA by July 1, 1982, that met the requirements of law, including establishment of an emission control inspection and maintenance program. Thus, the pertinent statutory deadlines are: July 1, 1982, for SIP revision extensions and December 31, 1982, for attainment of the standards for sulfur dioxide, nitrogen dioxide, and particulates.

The above amendment does not change these deadlines or requirements.

Also, in 1977, the Congress was not satisfied with the Nation's Clean Air Act progress. Thus, to induce maximum compliance by these deadlines by governmental entities—which could be a State, a local government, or a regional agency—Congress imposed funding penalties and a construction moratorium for noncompliance.

The above amendment does not change these penalties or sanctions.

Many of those who supported these 1977 changes knew that the sanctions were draconian and that the deadlines were unrealistic. This warning was written plainly on the faces and on the hands and on the records of this body at the time that the matter was considered. But, nonetheless, in the interest of casting an environmental vote, the House voted through these sanctions and these very deadlines which the proponents of this amendment are trying to avoid.

There are many other provisions in the law which desperately need looking at. Many are complex and unworkable. Some may be unfair. Some also need to be strengthened. Some impose excessive burdens upon industries in different parts of this country and adversely affect jobs. But this amendment today ignores all these concerns. If this amendment is adopted, you can be reasonably sure that the House will not address them leaving in place a law which desperately needs renewal, which desperately needs careful review and which needs significant adjustments, both to make it fair and to make it work.

Now, a few minutes ago I asked the gentleman from California: How will you enforce the deadlines if you remove the sanctions?

He gave me a long answer. I observed that it was to a quite different question than that which was asked.

The harsh fact of the matter is that if you keep avoiding the deadlines and winking at the sanctions, there will be no opportunity to make the law workable, nor will there be an opportunity to make it fair, nor will there be an opportunity to provide the needed adjustments to strengthen it where in fact that law needs strengthening.

Many parts of this country have worked hard to come into compliance with the law and have imposed requirements which have increased costs to business and industry and consumers and which have caused other unpleasantness and economic difficulties upon the people who live in those areas. They have met the law. They are in compliance. They do not seek this amendment. They do not need it.

Other parts of the country filed what are called cheater SIP's. That means they are filing State implementation plans which they very well know they cannot meet. EPA accepted them, and now the statement is: "Oh, these were good-faith filings," we should not penalize them. This amendment is going to protect those places which filed so-called good-faith filings.

There are other States who undoubtedly did file SIP's with good-faith intentions of complying, but were unable to do so. They too are seeking relief.

Well, this amendment is trying to protect those who really have made good-faith filings of State implementation plans, and those rascals who knowingly filed "cheater SIP's" which they knew they could not meet to clean the air within the deadlines.

That is unfair. Why? Because the law does not contain a good faith test. The planning is the State's duty. EPA approval does not excuse a State's obligation to develop and enforce an adequate plan within the time allowed. No excuses are provided for and many States understood that and complied. This amendment would let others off the hook for 1 year. That is unfair.

That is what this amendment does, Mr. Chairman. And I say it is bad, it is unfair. It helps the iniquitous over those who have made an honest effort to clean up.

Now, let us look a little further at this. The question is: Will the amendment work? What will it do?

The answer is: The amendment will not work. It will add confusion and litigation, but do nothing.

Many of you who vote for this amendment are going to go home and tell your people how you voted for it. You will say everything is all right now and that the sanctions are not going to be enforced. Do not kid yourselves. Do not go home and kid your people, because you cannot escape the harsh fact that the amendment does not change the law and that it will not preclude the imposition and cloud of sanctions.

Before proceeding further I want to note that the General Accounting Office (GAO) has issued two opinions concerning these deadlines and sanctions—one dated December 30, 1982 (B-208593) and one dated April 21, 1983 (B-208593). In its April opinion, the GAO said of the purpose of the sanctions:

> The sanctions were to be imposed on the governmental entities responsible for creating and implementing the nonattainment SIPs and took the form of economic sanctions. The existence of these provisions was undoubtedly meant to induce maximum compliance during the period in which primary NAAQS deadlines were extended under Part D of the Act. Now that the first part of the extended attainment timeframe has expired, one of those penalties, a construction moratorium, remains appropriate to impose for continued nonattainment. Used as a penalty, it serves two purposes related to the overall goals of the Act: (1) to maintain air quality at least at its current level; and (2) to motivate efforts to each attainment at the earliest possible date. The other sanctions in the Act, shut offs of certain Federal funds, should be used to enforce the July 1, 1982, SIP revisions and to promote compliance in achieving the extended NAAQSs.

Clearly, this amendment subverts that purpose. Incidentally, I am informed by several Members who telphoned representatives of environmental organizations about this amendment, that these organizations—like the whole House—were surprised by it and were neutral. They do not support or oppose such a major amendment.

But what about the amendment? I have already pointed out that it does not change existing law on deadlines and sanctions. The proponents state categorically that it does not help States that must comply with the July 1, 1982, deadline and meet inspection and maintenance requirements. That would include my State of Michigan and more than a dozen others. Thus, the amendment is aimed at the December 31, 1982, deadline. But what did the GAO say about this. Let me quote from the GAO opinion:

> One of the goals of the 1977 Amendments was to allow economic growth while assuring attainment of the NAAQSs by a reasonable specific deadline. H.R. Rep. No. 95-564, 95th Cong., 1st Sess., 156-57 (Joint Explanatory Statement of the Committee of Conference). To accomplish this, section 110 was amended to provide that no construction would be permitted in nonattainment areas after June 30, 1979: "unless, as of the time of application * * * [the applicable SIP] meets the requirements of part D (relating to nonattainment areas) * * *." Act, section 110(a)(2)(I).
>
> The construction moratorium is automatic and mandatory any time a SIP revision is not in full complicance with all the Part D requirements. *Connecticut Fund for the Environment* v. *EPA*, 672 F. 2d 998, 1008 (2d Cir. 1982); B-208593, December 30, 1982. The question which remains unresolved is whether the construction moratorium was activated by the expiration of the December 31, 1982, attainment deadline set by Part D. We think it was.
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> The moratorium automatically goes into effect any time a SIP does not meet the requirements of Part D. Part D spells out the elements of the SIP revisions and the timeframe for attainment. SIP revisions: "shall provide for attainment of each such national ambient air quality standard in each such area as expeditiously as practicable, but, in the case of national primary ambient air quality standards, not later than December 31, 1982." Act, section 172(a)(2).
>
> To meet the requirements of Part D we think a SIP revision must "provide for attainment" in the real sense, not just on paper. Put more simply, a SIP which did not produce attainment did not sufficiently provide for attainment and therefore does not meet the requirements of Part D. We do not think our analysis here is at all inconsistent with our previous statements about section 176(b) (clean air grants cut off to nonimplementing States) because that section applies to the enforcement of the strategies for reaching attainment, not attainment itself.
>
> Arguments that nonattainment status after the deadline does not trigger the moratorium place great emphasis on the words provide for. Any EPA-approved SIP, according to the arguments, had to provide for attainment. Otherwise, it would not have been approved. We discussed earlier our opinion that EPA approval of a SIP revision may not mean that all the statutory elements have been adddressed. B-208593, December 30, 1982. However, the main argument against this position is that it is the States, not EPA, which are mainly responsible for planning. The Administrator shall approve SIPs which meet the minimum statutory requirements. Act, section 110(a)(2). The burden is clearly on the State to determine whether more than the minimum efforts are necessary and to develop a plan adequate to achieve the NAAQSs within the time allowed. Act, section 107(a); *Train* v. *Natural Resources Defense Council*, 421 U.S. 60, 79 (1975). A too literal interpretation of the words provide for attainment impermissibly shifts the whole burden to EPA.
>
> In light of the foregoing, it is plain that the December 31, 1982, expiration date was a deadline for attainment, not a target or a goal. We cannot accept the notion that Congress mentioned the date merely as an aid to planning, nor can we assume that, in spite of its express determination to provide a reasonable framework for attainment, Congress intended no consequences to flow from failure to "provide for" healthful air. Since we determined that the funding sanctions are not appropriate to use in the nonattainment context, the construction moratorium is the only sanction available to place any economic pressure on States to continue to seek attainment. Unlike the restriction of funds for nonimplementation (Act, section 176(b)), it does not handicap States in their efforts to continue seeking attainment. Instead, the moratorium has the added advantages of preventing any further deterioration of air quality while it remains in effect, and encouraging further attainment-seeking activities, because only attainment (or amending the Act) will lift the ban.
>
> CONCLUSION
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> In B-208595, December 30, 1982, we pointed out the need for congressional action to resolve these and other enforcement-related issues under the Act. Though EPA's proper and attentive enforcement of the existing law can maintain the status quo, there remain economic, public health, and Federal/State relations issues which only Congress is in a position to resolve.

Thus, the GAO holds that the December 31, 1982, deadline is real and that the consequences of noncompliance is an automatic construction moratorium in such case. That provision of law is not changed by the bill.

On February 3, 1983, the EPA issued a notice of proposed rulemaking listing the areas of the Nation that EPA believed had failed to meet the end of 1982 deadline and asked for public comment. The EPA press release said:

> Once the comments on the lists proposed by EPA have been analyzed, the agency will publish final lists. For those counties which are determined to have failed to meet the requirements of the Act, a construction moratorium would automatically go into effect on all major sources of the pollutant in question.

On March 17, 1983, the comment period was extended to May 5, 1983.

In a May 13, 1983, letter to me, the EPA's former Assistant Administrator said:

> I share your concern regarding the potentially counter productive nature of the sanctions and have repeatedly joined you in urging the Congress to address this issue as well as others involving the Clean Air Act. Because of the concerns raised by the affected States and our desire to analyze and to respond fully to all comments received, it is difficult to establish a detailed schedule for future Agency action. It is our present intention to publish final actions within the next six months; as you know, however, the administrator-designate promised the Senate Environment and Public Works Committee during recent hearings on his nomination that he would conduct a full review of these issues. It is possible that his review could affect our present policies and schedules.

This rulemaking is a determination that an area is or is not still in nonattainment. It is not an imposition of a sanction. The sanction is automatic under the law. Thus, the amendment offered by these California Members, Mr. WAXMAN and Mr. DANNEMEYER, does not affect this rulemaking because it does not apply until fiscal year 1984, and because the rulemaking does not impose a sanction. The

amendment only precludes the use of fiscal year 1984 funds under the act to impose sanctions.

The amendment would, however, preclude EPA from imposing any discretionary sanctions, such as a cutoff of sewage treatment funds or clean air grants. Thus, it has meaning, but not much, because EPA has already said, weeks ago, that it did not plan to impose those sanctions. The amendment concretizes that declaration for whatever it is.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. Beyond this, the amendment does not affect citizen suits or EPA enforcement of this construction moratorium. And you can bet yourself a new shirt that there are going to be citizens in court demanding that the law be enforced under the citizen-suit provisions of the Clean Air Act. Remember, the Waxman-Dannemeyer amendment does not preclude the use of funds to halt enforcement of sanctions, only the imposition of sanctions. Enforcement is not imposition. Also, the courts will not accept a defense that says EPA cannot use appropriated funds to enforce the law which is done by the Justice Department anyway.

Now, what will be the consequences of such suits? EPA will have to go forward and proceed to enforce the law because it will be pressed under citizens suits. The automatic sanction will go into place. This amendment will not affect it.

□ 1520

Many of my colleagues are aware of the fact that I have had something to do with investigations at EPA. One of the things that I heard Mrs. Burford and Ms. Lavelle castigated about was that they did not enforce environmental laws. All right. Now, the House here is going to tell whoever might be Mrs. Burford's and Ms. Lavelle's successor, "You shall not use these appropriated moneys to enforce the Clean Air Act law." That is hardly consistent.

The law is the law. If it is bad, it should be changed, but in the meantime it should be enforced.

Each and every Member of this body took an oath to support and defend the laws and the Constitution of the United States.

You can distort the Clean Air Act in any fashion you want, but I am going to put into the record of this proceeding today an opinion of the General Accounting Office that tells you what the law requires. I note that the environmentalists have not disputed that opinion to their great credit. Some of the curious distortions that you have heard today about good-faith compliance and filing cheater SIP's, and so forth, are clearly made to be a mockery of the law.

Let me stress again, this vote is a vote on the environment. If you vote for this amendment, you are voting for dirty air. You are voting for trying to halt imposition of sanctions for violations of the Clean Air Act because they hurt. The sanctions were put into the law to assure that this Nation would achieve clean air or, as the GAO said "to motivate efforts to reach attainment at the earliest possible date."

This amendment not only tries badly to avoid that, but it assures that the pressures will continue on you as Members of Congress to simply wink at the enforcement of this environmental law and not to do those things which are necessary to assure that a bad law which is in need of revision to achieve fairness, better enforceability and indeed strengthening where necessary, is looked at by the Congress to achieve that necessary and proper public goal.

Some of you may not agree with my criticisms of the Clean Air Act. So be it. Let us disagree. Let us do so in the legislative arena, not the appropriations arena. But let us not fool the public. Let us not tell them we are strong Clean Air Act supporters, but then run to weaken the act's provisions that are designed to motivate governmental entities at the State and local levels to attain clean air quickly.

If you do not like the deadlines, change them.

If you do not like the sanctions, change them.

Do not seek to emasculate both through amendments that are unfair and do not work. Uphold the law while it is the law.

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

Mr. DINGELL. I am happy to yield to my friend, the gentleman from Kansas.

Mr. GLICKMAN. I thank the gentleman for yielding.

Mr. Chairman, I would just like to say I think my colleague from Michigan makes a good statement. The fact of the matter is that this is a very confusing issue and it is one that belongs in a rewrite of the Clean Air Act, not strung out in the middle of an appropriation bill.

Second, as I read this language, it is very plain there is no enforcement under section 109 of the Clean Air Act for failure to attain clean standards pursuant to that law.

The third thing I would say, as my colleague from Michigan says: This does not indicate that there is not an enforcement right there. There is. It is in the courts through class actions, and the individuals, the citizens of this country, will enforce the law.

So I think for the above reasons, the amendment ought to be rejected.

Mr. DINGELL. The gentleman is correct.

Mr. Chairman, let me just observe that we have a committee system which is supposed to review difficult and complex legislative questions. Those legislative questions should be reviewed by the legislative committees, not written in this kind of curious amendment under these kinds of strange circumstances late on an afternoon when no one has an opportunity to consider or to understand not only the questions which might be involved in this amendment, but the rest of the Clean Air Act. This is a poorly drafted amendment. It is a complex issue. It is not an appropriations matters.

I urge my colleagues to reject this amendment. Let the matter be handled in an appropriate legisative fashion. Help Chairman BOLAND pass this appropriation bill unencumbered by poorly drafted amendments of this kind.

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

Mr. DINGELL. I yield to the gentleman from Michigan.

Mr. ALBOSTA. I thank the gentleman for yielding.

Mr. Chairman, it seems odd to me. I want to know why we are not taking up the revisions or reform of the Clean Air Act? What is happening? Would the gentleman from Michigan, the chairman of the Committee on Energy and Commerce, tell me why we are not doing something?

Mr. DINGELL. I did my best to get it written last year and was roundly denounced by many of those who are pushing this amendment at this particular time, renouncing me for being soft on pollution and against clean air. Now they want to pass an amendment which seeks to preclude sanctions and eliminate any real basis for legislative or administrative action against those who are engaged in pollution of the air.

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

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

Mr. GRAMM. I thank the gentleman for yielding.

Mr. Chairman, I would like to begin by commending the gentleman from California (Mr. DANNEMEYER), and commending the chairman of the Committee on Energy and Commerce, for raising what I think is a very relevant point.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. DINGELL) has again expired.

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

Mr. GRAMM. If the gentleman will yield further, I would like to add one point to that, and that is, it will be very interesting to see if the same groups that labeled our efforts last year to deal with exactly these same problems in a rational, coherent manner as a rewrite of the Clean Air Act, who labeled our effort a dirty air bill, show that they are not blatant hypocrites, and I refer not to Members of the House but to so-called environmental groups. It will be very interesting whether or not they will come forward and label those who here have taken a position that we should waive those who have not reached attainment from the requirements of the law.

I suspect, quite frankly, that the environmentalists would like to see this waiver passed because it would then take the pressure off to deal with rewriting a law that desperately needs to be rewritten. So it is, I proposed, a paradox that those who basically hide behind these slogans are willing to jeopardize the environment by maintaining the law that is detached from reality and that leads us to set out standards we cannot meet, impose economic costs, destroy jobs, and then waive the penalties once we do not meet the standards.

Mr. DINGELL. I thank the gentleman.

I want to say, Mr. Chairman, I have great affection and respect for the gentleman from California (Mr. DANNEMEYER) and nowhere in my comments have I referred to him. He, along with other majority and minority members of our committee, stood very loyally with me last year when we were trying to write a sensible amendment to the Clean Air Act. I understand why he is doing what he does today and I have no criticism of him.

In conclusion, I insert at this point the GAO opinion I have referred to:

COMPTROLLER GENERAL
OF THE UNITED STATES,
Washington, D.C., April 21, 1983.

Hon. JOHN D. DINGELL,
Chairman, Subcommittee on Oversight and Investigations, Committee on Energy and Commerce, House of Representatives.

DEAR MR. CHAIRMAN: In correspondence dated August 9, and November 16, 1982, you asked for our opinion on several matters related to the Environmental Protection Agency's (EPA) enforcement of the Clean Air Act, 42 U.S.C. §§ 7401-7642 (1976 & Supp. I 1977) (the Act). Our letter, B-208593, December 30, 1982, discussed EPA's limited flexibility in reviewing State Implementation Plan (SIP) revisions submitted in connection with the extension to 1987 of the deadlines for attainment of the National Ambient Air Quality Standards (NAAQSs) for carbon monoxide and photochemical oxidants. The enclosed analysis examines the second of your questions—the application of the several penalties provided in the Act for State noncompliance with approved SIP requirements or nonattainment. We have also evaluated EPA's proposed use of these penalties against those State and local governments that either did not attain the primary NAAQSs within the time allowed or that submitted deficient extension SIP revisions or both. Our findings are summarized below.

The Act allows three separate funding restrictions to be used to promote States' cooperation in planning and implementing the SIP revisions. One of the three is an option to halt Federal Water Pollution Control Act grants for the construction of new sewage treatment facilities if the Administrator determines that the applicable SIP revision does not adequately take into account the air quality consequences of the construction. This is a wholly discretionary action by the Administrator.

The other two funding restrictions are mandatory and must be applied whenever the circumstances which are set out as statutory triggers exist. One sanction requires termination of clean air grants and some highway funds to air quality control regions which are not at least making reasonable efforts to develop an approvable July 1, 1982 SIP revision. The funds must be withheld whenever a SIP revision is required and a State fails to make a good faith effort to submit an approvable document. Some States which are inexcusably delinquent in submitting their final July 1, 1982, SIP revisions for carbon monoxide and photochemical oxidants are candidates for this sanction at this time. However, in our view, EPA's proposal to use this sanction against air quality control regions which did not achieve the NAAQSs by December 31, 1982, is not in accord with the law.

A second funding restriction cuts off clean air grants to States which neglect to implement their SIPs. The Administrator monitors State implementation efforts and is required to assume enforcement himself if the States do not follow through with their plans. By its terms, however, this restriction does not apply to States which fully implemented their plans, but still failed to reach attainment levels by December 31, 1982.

The final penalty under the Act is a construction moratorium. The moratorium bans any construction which would contribute to concentrations of a primary NAAQS pollutant in an area not yet at attainment levels. The ban is suspended during the period when a State is enforcing a proper and complete nonattainment SIP revision. It may also be invoked by the Administrator at any time for any SIP related infraction. One of the requirements of the Act is that, except for the areas that requested extensions to 1987 of the NAAQS deadlines for carbon monoxide and photochemical oxidents, the nonattainment SIP revisions "provide for attainment * * * not later than December 31, 1982." After analyzing the meaning of the phrase "provide for attainment" we have concluded that the statute means attainment of the primary NAAQSs must be reached by the deadline, not merely projected or hoped for. Accordingly, we determine that the construction moratorium should be used as the penalty for continued nonattainment.[1]

Thus, we find that EPA's recent proposal to invoke the construction moratorium in nonattainment areas is correct, but its propsed use of the other statutory sanctions in that context is incorrect. It should use the other funding sanctions to achieve maximum compliance with the July 1, 1982, SIP revisions and apply the standards set forth in our earlier opinion to you.

We trust the foregoing is helpful. Our more detailed analysis of these matters is enclosed.

Sincerely yours,

HARRY R. VAN CLEVE.
(For Comptroller General
of the United States.)

ANALYSIS OF ENFORCEMENT MECHANISMS IN THE CLEAN AIR ACT

When it enacted the 1977 Amendments to the Clean Air Act, Congress intended to maximize the chances of success for attainment of air quality standards within an established timeframe. To accomplish this, the Amendments added a new Part D to the Act. See 42 U.S.C. §§ 7501-7508. Part D applies to nonattainment areas; that is, areas which did not meet the National Ambient Air Quality Standard (NAAQS) attainment deadlines set by the 1970 Amendments to the Act. Part D extended the attainment time schedule and spelled out the States' planning responsibilities in considerable detail. These responsibilities were to be executed by means of special State Implementation Plan (SIP) revisions submitted in 1979 and 1982. By filing a special revision to its existing SIP under Part D, a State could extend until December 31, 1982, the deadline for attainment of the primary NAAQSs for sulfur dioxide, nitrogen dioxide and particulates. Act, section 172(a)(1). There were 10 specific requirements for the nonattainment SIP revisions, including an elaborate system of permits for new construction. Act, sections 172(b)(1-10) and 173. A second extension to December 31, 1987, could be secured for the primary NAAQSs for carbon monoxide and photochemical oxidants if a State proved earlier attainment was impossible and filed a second SIP revision containing several additional elements.[1] Act, sections 172(a)(2); 172(b)(11)(A-C) and 172(c). Because the Congress was disappointed with the States' performance under earlier clean air legislation, it added sanctions in the 1977 Amendments to encourage the States to vigorously pursue their planning responsibility and to utilize their enforcement powers fully.

The sanctions were to be imposed on the governmental entities responsible for creating and implementing the nonattainment SIPs and took the form of economic sanctions.[2] The existence of these provisions was undoubtedly meant to induce maximum compliance during the period in which primary NAAQS deadlines were extended under Part D of the Act. Now that the first part of the extended attainment timeframe has expired, one of those penalties, a construction moratorium, remains appropriate to impose for continued nonattainment. Used as a penalty, it serves two purposes related to the overall goals of the Act: 1) to maintain air quality at least at its current level; and 2) to motivate efforts to reach attainment at the earliest possible date. The other sanctions in the Act, shut offs of certain Federal funds, should be used to enforce the July 1, 1982, SIP revisions and to

[1] We discussed the use of the construction moratorium as an additional penalty for inadequate or late SIP revisions in our December 30, 1982 opinion, B-208593.

[1] This was the SIP revision due on July 1, 1982, and discussed in B-208593, December 30, 1982.

[2] Depending on the particular sanction used, the governmental body might be a State, a general purpose local government, an air quality control region or a regional planning organization designated by agreement of several local governments.

promote compliance in achieving the extended NAAQSs.

USE OF SANCTIONS

There are two types of sanctions aimed at the governmental bodies responsible for air quality planning and implementation. Inadequate or ineffective SIPs can result in cutoff of certain Federal funds to the jurisdiction. Planning failures can also cause a construction ban to be invoked. Each of the sanctions has a separate "trigger" which brings it into effect, but all are related to the requirements of Part D of the Act.

As we see it, the three Part D sanctions form a multilayered enforcement system. Section 176(a) cuts off planning money and highway funds to States which fail to create complete and proper SIP revisions, including transportation controls to reduce auto-produced pollution. Section 176(b) cuts off Federal planning and implementation support funds to States which are not putting into effect the strategies, techniques, and methods outlined in their SIPs. Finally SIPs which fail to reach attainment, the ultimate goal of Part D, trigger a construction moratorium halting all construction which would increase primary NAAQS pollutants in the area. In addition to being the only penalty available for nonattainment, the construction moratorium is also a multipurpose penalty, since it applies any time a nonattainment area is not fully complying with Part D. Thus, the construction moratorium is an additional penalty for failing to develop or implement a SIP or SIP revision. We discussed the construction moratorium and implementation of SIP revisions in B-208593, December 30, 1982 and will not repeat that analysis here.

On February 3, 1983, the Environmental Protection Agency (EPA) issued a Notice of Proposed Rulemaking (48 Fed. Reg. 4972, 4974-75) which outlined EPA's plans to invoke all the sanctions in the Act against States which did not reach attainment of all the primary NAAQSs to which extensions do not apply, on December 31, 1982. We shall examine each sanction in turn to determine 1) whether it is mandatory or discretionary; 2) what circumstances require its application; and 3) whether it is an appropriate penalty for continued nonattainment.

A. Sewage Treatment Plant Construction Grants—Section 316

Under the Federal Water Pollution Control Act, the Administrator has discretion to make grants for construction of new sewage treatment facilities. 33 U.S.C. § 1281-1289. In theory, he could refuse to make grants for construction which would indirectly increase air pollution. Section 316 of the Clean Air Act (42 U.S.C. § 7616), however, permits the Administrator to withhold, restrict or condition any grant for the construction of sewage treatment facilities on air quality grounds only if he determines that, among other things—

"(2) the State does not have in effect, or is not carrying out, a State implementation plan approved by the Administrator which expressly quantifies and provides for the increase in emissions of each air pollutant (from stationary and mobile sources in any area to which either part C or part D of title I applies for such pollutant) which increase may reasonably be anticipated to result directly or indirectly from the new sewage treatment capacity which would be created by such construction."

The sewage treatment grant provision can only be triggered by the Administrator's judgment that construction of new sewage treatment plants would increase air pollution by permitting residential or commercial growth and that the applicable SIP does not take the construction-related increase into account. As such, it is completely discretionary.

The legislative history of this provision confirms its discretionary nature. It was offered as an amendment during the House's consideration of the 1977 Amendments. Its sponsor, Representative Moss, noted that the Federal Water Pollution Control Act and the National Environmental Policy Act of 1969 together required the filing of an Environmental Impact Statement (EIS) for the construction of new sewage treatment plants. An EIS would have to take into account the impact of the new facility on population expansion and air quality. Rather than allow the Administrator total discretion to refuse sewage treatment grants based on the air quality impacts identified by the EIS, section 316 specifies limited circumstances in which such a refusal can be made. See 123 Cong. Rec. 16674 (1977). The condition which relates to Part D SIP revisions is quoted in full above.

Far from being a mandatory penalty which must be imposed in certain prescribed circumstances, section 316 limits the Administrator's absolute discretion to refuse grant funds for any reason, including air quality impacts. Under section 316, the Administrator may limit grant funds only if he determines that the specified conditions exist, but he is clearly not obligated to make such a determination. Therefore, this sanction is wholly discretionary. EPA is not proposing to use this sanction at present either for continued nonattainment areas or areas with inadequate July 1, 1982, SIP revisions. 48 Fed. Reg. 4972, 4975 and 5022.

B. Clean Air Act Grants and Highway Funds—Section 176(a)

Section 176(a) (42 U.S.C. § 7506(a)) contains a mandatory funding restriction for a State's failure to develop a nonattainment SIP revision. The section is incorporated into Part D and provides as follows:

"(a) The Administator shall not approve any projects or award any grants authorized by this Act and the Secretary of Transportation shall not approve any projects or award any grants under title 23, United States Code, other than for safety, mass transit, or transportation improvement projects related to air quality improvement or maintenance, in any air quality control region—

"(1) in which any national primary ambient air quality standard has not been attained.

"(2) where transportation control measures are necessary for the attainment of such standard, and

"(3) where the Administrator finds after July 1, 1979, that the Governor has not submitted an implementation plan which considers each of the elements required by section 172 or that reasonable efforts toward submitting such an implementation plan are not being made (or, after July 1, 1982, in the case of an implementation plan revision required under section 172 to be submitted before July 1, 1982)."

Section 176(a) cuts off all clean air grants and all highway funds except funds for safety, mass transit or air quality related transportation improvement projects. In addition it appears to prohibit any related activities carried out with non-Federal funds but which require Federal (EPA or Department of Transportation) approval.

Two elements make this funding sanction mandatory. First, the Administrator has a mandatory duty to review and approve or disapprove SIPs, including the Part D SIP revisions. Act, section 110(a)(2); *Citizens for a Better Environment* v. *Costle*, 515 F. Supp. 264, 267 (N.D. Ill. 1981). The mandatory status of this restriction is also clear from the opening lines—the responsible officials "shall not approve any projects or award any grants * * * " under the proscribed circumstances.

There are three events which, occurring together, would cause the clean air and highway funding restrictions of section 176(a) to come into effect: 1) a deficient or nonexistent SIP revision, which 2) in addition to the specified statutory elements (Act, section 172(b-c)), would require transportation controls to reach attainment and 3) a finding by the Administrator that reasonable efforts are not being made toward submitting a complete SIP revision.

This provision was originally included in the Senate version of the 1977 Amendments to the Clean Air Act. Its purpose was to put some teeth into requirements for local transportation controls which, though required, had been nearly ignored under the 1970 Amendments to the Act. S. Rep. No. 95-127, 95th Cong. 1st Sess., 14 and 37-38 (1977). See Act, sections 108(f) and 110(a)(2)(B); *Natural Resources Defense Council* v. *EPA*, 475 F.2d 968 (D.C. Cir. 1973). The original Senate version would have cut off all highway funds for any State which had failed to submit an approvable carbon monoxide and photochemical oxidant nonattainment SIP revision (July 1, 1982 SIP revision) containing transportation controls[3] S. 252, 95th Cong., 1st Sess., reprinted in, S. Rep. No. 95-127, 156-57.

The "reasonable efforts" language was added to the provision along with several other modifications on the Senate floor. Senator Gravel introduced an amendment intended to moderate the consequences of submitting a deficient or late SIP revision. The amendment (1) reduced the sanction areas from the whole State to the delinquent air quality control region; (2) exempted safety, mass transit and air quality related transportation improvement projects from the funding cut off; and (3) limited the sanction's applicability to cases in which the State was not making a reasonable effort to submit a proper and complete SIP revision, before or after the statutorily set deadline for such revision.

The amendment was passed with little discussion, but the sponsor did suggest his interpretation that if a State or other responsible governmental entity was "making an effort to arrive at an implementation plan, there [would] be no loss of highway funds." He continued: "There is a terminal effect: If you do not make any effort at all by 1979 [or 1982 for extended SIP revisions on carbon monoxide and photochemical oxidants, see footnote 3, above] to come up with a plan, if there are no best efforts, then we stick it to you in a very surgical way." 123 Cong. Rec. 18476 (1977) (remarks of Sen. Gravel).

The "reasonable efforts" language, then, was meant to give the Administrator some discretion in applying the sanction if he de-

[3] S. 252 as originally drafted extended only the NAAQSs for carbon monoxide and photochemical oxidants. This provision was modified appropriately to accommodate the two-tiered extension plan for all the primary NAAQSs which was agreed on later.

termined that sincere attempts to submit an acceptable SIP revision were in progress. In fact, the only flexibility which exits in this provision is in the determination of what constitutes "reasonable efforts" toward producing a complete SIP revision including all the statutory elements and necessary transportation controls. A Congressional Research Service (CRS) study done in June 1982 reached the conclusion that this discretion was so broad as to effectively vitiate the sanction. While we do not completely agree with the CRS conclusion, we think that the provision does entail sufficient legitimate discretion to defer funding cutoffs temporarily for States that submitted the schedules and commitments EPA called for in the May 21, 1982 letter to State Governors explaining its minimum requirements for the July 1, 1982, SIP revisions, even though we think the flexible requirements set forth in that letter are too lax to form a basis for conditional or final approval of the carbon monoxide/photochemical oxidant SIP revision.[4] The sanction must be imposed in the future if States do not follow through with their commitment to submit an acceptable SIP revision, including transportation controls. See EPA Policy Statement, 45 Fed. Reg. 24694.

Section 176(a) is also the only direct statutory reference in Part D to transportation controls. Transportation controls are measures such as downtown parking restrictions, carpool express lanes and many other strategies designed to reduce vehicular traffic and congestion in the interest of reduced pollution. Act, section 108(f). Transportation controls are required to be included in SIPs where necessary under section 110(a)(2)(B). Though not specifically mentioned as one of the required statutory elements of a Part D SIP revision, transportation controls must be presumed to be necessary in any area requiring an extension of the NAAQS deadline for auto-related pollutants to 1987 because Part D requires that all other measures necessary for attainment on schedule be identified and enforced. Act, sections 172(b)(11)(C) and 172(c). This sanction provides EPA with a way to enforce unpopular transportation measures as an element of the Part D SIP revisions.

Some transportation measures were required in the January 1, 1979, SIP revisions. 43 Fed. Reg. 21673. However, the emphasis in 1979 was on planning. Specific transportation controls were required by EPA's January 22, 1981, Policy recapitulating the elements of the July 1, 1982, SIP revisions. 46 Fed. Reg. 7182, 7183. That Policy called for a mutually agreed on emissions reduction target and the implementation of as many of the 18 transportation controls listed in section 108(f) of the Act as were technologically and economically feasible. Id. at 7187. The Policy also called for the creation of contingency plans, in case the previously implemented measures proved insufficient to produce attainment by 1987.

EPA has now announced its intent to apply this funding restriction not only to the July 1, 1982, SIP revision for carbon monoxide and photochemical oxidants which it will soon evaluate (48 Fed. Reg. 5022), but also for continued nonattainment of NAAQSs for nitrogen dioxide and particulates as set forth in the January 1, 1979, SIP revisions. 48 Fed. Reg. 4972, 4974. This announcement has prompted the question whether EPA approval of a SIP revision does not constitute an estoppel against imposing the funding sanction in the future. As we indcated in our December 30, 1982, letter (B-208593), EPA approval may not mean that the SIP revision absolutely complies with all the statutory requirements, including transportation controls. Moreover, if challenged, the Administrator's approval of SIPs is subject to judicial review. Act, section 307; see *Connecticut Fund for the Environment* v. *EPA*, 612 F.2d 998 (2d Cir. 1982). Therefore, EPA approval does not absolutely guarantee immunity from highway fund restrictions. We are satisfied, however, that EPA approval or conditional approval must mean at least that the Administrator has determined that reasonable efforts were made to submit an acceptable SIP revision. Thus, EPA approval or conditional approval would, absent either a finding of changed circumstances or subsequent judicial action, preclude the later application of this sanction.

The notion of changed circumstances was first mentioned in an April 1980 Policy setting forth the substantive and procedural aspects of this funding restriction. EPA specifically stated that the Administrator could impose the sanction if at any time "the Governor ceases or delays efforts to submit the SIP in an expeditious manner." 45 Fed. Reg. 24692, 24695. Conversely, the sanction could be lifted if good faith efforts to submit a SIP were begun. Id. In other words, no estoppel could exist because a State's best efforts to submit a complete SIP must be a continuing activity.

As we view the situation, however, the question of possible estoppel against applying the sanction in nonattainment areas with approved SIPs, but which failed to meet the NAAQS deadline, does not even arise. Before the sanction can be invoked, the statutory context for its use must exist. That context is a requirement to submit a Part D SIP revision. There was no requirement to submit a SIP revision on December 31, 1982. Thus, an air quality region's continued nonattainment status on the NAAQS deadline has no relation to this sanction at all. Our analysis is entirely in accord with the legislative history of the provision which clearly indicates that it was to be an inducement to adequate planning, not a punishment if good plans fell short of the mark.

Future application of the clean air grant and highway fund sanction remains entirely appropriate for States which have not complied with the requirements of sections 172(b) and (c) of the Act and the January 22, 1981 Policy for SIP revisions on carbon monoxide and photochemical oxidants. A list of those States that submitted SIP revisions on July 1, 1982, and the deficiencies in their content on vehicle inspection and maintenance and other transportation control measures was published at 48 Fed. Reg. 5022, 5025. This list demonstrates that this sanction can be used effectively at this time to promote adequate transportation planning, as was clearly intended by Congress. In reviewing July 1, 1982, submittals to determine whether to use the sanction, EPA should apply the standards set forth in B-208593, December 30, 1982.

C. Clean Air Grants—Section 176(b)

The other Part D funding sanction is a cut-off of clean air grants to States which fail to implement any portion of their SIPs or SIP revisions. Section 176(b) (42 U.S.C. § 7506(b)) provides as follows: "(b) In any area in which the State or, as the case may be, the general purpose local government or governments or any regional agency designated by such general purpose local governments for such purpose, is not implementing any requirement of an approved or promulgated plan under section 110 including any requirement for a revised implementation plan under this part [Part D] the Administrator shall not make any grants under the Act."

Imposition of this sanction is also mandatory both by virtue of its statement that the Administrator shall not make any clean air grants where a regular or Part D SIP is not being implemented and because the Administrator has a duty to assure that SIPs are being followed. Act, Section 113(a)(2); *cf., Wisconsin's Environmental Decade, Inc.* v. *Wisconsin Power and Light Co.*, 395 F. Supp. 313 (W.D. Wis. 1975) (mandatory duty to act on information of individual violation by issuing notice of violation).

The extent of the Administrator's responsibility for implementation of the SIPs by the States is less clear than the duty to approve SIPs. *City of Seabrook* v. *Costle*, 659 F. 2d 1371, 1374 (5th Cir. 1981), questioned the *Environmental Decade* case, finding that the Administrator's duty with respect to individual violations is subject to prosecutorial discretion. However, the court did not suggest that prosecutorial discretion should extend to circumstances where violations are so widespread as to "appear to result from a failure of the State in which the plan applies to enforce the plan effectively * * *." (Act, section 113(a)(2)). We think section 113(a)(2) creates a nondiscretionary duty to take action in the case of widespread SIP violations. Especially persuasive in this regard is that during the "period of federally assumed enforcement" which commences if a State continues its refusal to enforce a SIP after formal notice of the problem, the Administrator "may" enforce requirements of the SIP against individual violators. In other words, the Administrator has prosecutorial discretion with respect to individual enforcement actions. Our view is that the Act gave the Administrator the mandatory duty to insure that States follow through on the commitments made in their SIPs. This is not inconsistent with judicial interpretation. Application of this sanction to deficient Part D SIPs was presumed mandatory and non-discretionary by the only court to consider it thus far. *New England Legal Foundation* v. *Costle*, 632 F. 2d 936 (2d Cir. 1980.).

The legislative history of this section indicates that it, too, was intended to promote compliance during the period a SIP is applicable, not to penalize continued nonattainment status on December 31, 1982. The same Gravel amendment which moderated the highway fund provision (section 176(a)) also affected this section. Originally, the Senate bill (S. 252, 95th Cong., 1st Sess.) called for a 15 percent cumulative annual reduction in all highway funds to any non-implementing jurisdiction. The Gravel amendment changed that to a cut off of clean air grants for failure to implement either a SIP or a Part D SIP revision.

Speaking in support of the Gravel amendment, Senator Baker said—

"I do not believe that the Federal Government should seek to enforce a clean air program under the threat of a disruption of another virtally [sic] important program. * * *"

"I think that it is important also that we undertake to enforce all necessary clean air

[4] The May 21, 1982, letter and other matters relating to EPA's handling of the July 1, 1982, SIP revisions are explained fully in B-208593, December 30, 1982.

strategies. But the sanction retained by the Gravel amendment * * * is in my opinion sufficient and certainly more appropriate."

There is a direct relationship between the grants which are to be cut off by this sanction and a State's nonimplementing posture. Clean air grants were provided to (1) underwrite the full cost of the first two years' effort in developing the July 1, 1982 SIP revisions (Act, section 175), and (2) up to ⅔ of the development cost in the remaining years before the July 1, 1982 submittal date, and (3) provide additional funds for maintaining, implementing and enforcing the SIPs and SIP revisions (Act, section 105). The funds which are to be cut off for not implementing SIPs and SIP revisions are funds which would be wasted if the activities for which they were given to support are never brought to fruition by State implementation. This cause and effect relationship was undoubtedly what Senator Baker was referring to in his remarks. It therefore seems clear that the sanction was intended to encourage full effectuation of the strategies by which attainment was to be achieved, not the achievement of attainment itself.

Having moderated the sanction, tailored it more closely to the "offense" and, phrased it in mandatory terms, it is unlikely that the Congress intended it to be optional. If a State refused or neglected implementation, it was to be denied further clean air grants. There is no basis in the statute or its legislative history for administrative discretion to forego the penalty against nonimplementing States. Similarly, there is no basis to conclude, as EPA has in 48 Fed. Reg. 4972, 4974, that the penalty was to be used against States which fully implemented their Part D SIP revisions but still failed to achieve the NAAQSs by December 31, 1982. Indeed that conclusion, based on nonattainment status, would run counter to clean air goals. It would revoke funds which States would otherwise use to continue enforcement of their ongoing SIPs and July 1, 1982, SIP revisions.

The prospective nature of this sanction and its functions as an inducement to continued vigorous enforcement rather than a penalty for failure to achieve the ultimate requirement of Part D may also be seen in the fact that the sanction applies to regular SIPs under section 110 of the Act as well as to the Part D SIP revisions. In other words, it has continuing utility to promote State enforcement even after the first attainment deadline has passed. To invoke this sanction across the board for nonattainment would be to sacrifice its future effectiveness for prompting implementation of the regular SIPs. Regular SIPs enforce the secondary NAAQSs and other items not covered in Part D. This conflict further supports the conclusion that the sanction is mandatory in the event of nonimplementation and inappropriate as a penalty for continued nonattainment despite full implementation.

D. Construction Moratorium

Prior to the passage of the 1977 Amendments, the law prohibited construction or modification of any major stationary source in a nonattainment area if that construction would contribute to concentrations for a pollutant for which a primary NAAQS was exceeded in that area. Requirements for SIPs in the earlier version of the Act were nearly identical to the present formula. SIPs were to provide for attainment within 3 years of their approval. An EPA interpretive ruling, under the earlier Act, commonly called the "Offset Ruling" allowed construction only if the builder could show that the new facility would actually reduce concentrations of the pollutant. 41 Fed. Reg. 55524-30. One of the goals of the 1977 Amendments was to allow economic growth while assuring attainment of the NAAQSs by a reasonable specified deadline. H.R. Rep. No. 95-564, 95th Cong., 1st Sess., 156-57 (Joint Explanatory Statement of the Committee of Conference). To accomplish this, section 110 was amended to provide that no construction would be permitted in nonattainment areas after June 30, 1979: "unless, as of the time of application * * * [the applicable SIP] meets the requirements of part D (relating to nonattainment areas) * * *." Act, section 110(a)(2)(I).

The construction moratorium is automatic and mandatory any time a SIP revision is not in full compliance with all the Part D requirements. *Connecticut Fund for the Environment* v. *EPA*, 672 F. 2d 998, 1008 (2d Cir. 1982); B-208593, December 30, 1982. The question which remains unresolved is whether the construction moratorium was activated by the expiration of the December 31, 1982, attainment deadline set by Part D. We think it was.

The moratorium automatically [5] goes into effect any time a SIP does not meet the requirements of Part D. Part D spells out the elements of the SIP revisions and the timeframe for attainment. SIP revisions: "shall provide for attainment of each such national ambient air quality standard in each such area as expeditiously as practicable, but, in the case of national primary ambient air quality standards, not later than December 31, 1982." Act, section 172(a)(2).

To meet the requirements of Part D we think a SIP revision must "provide for attainment" in the real sense, not just on paper. Put more simply, a SIP which did not produce attainment did not sufficiently "provide for" attainment, and therefore does not meet the requirements of Part D. We do not think our analysis here is at all inconsistent with our previous statements about section 176(b) (clean air grants cut off to nonimplementing States) because that section applies to the enforcement of the strategies for reaching attainment, not attainment itself.

Arguments that nonattainment status after the deadline does not trigger the moratorium place great emphasis on the words "provide for." Any EPA-approved SIP, according to the arguments, had to "provide for" attainment. Otherwise, it would not have been approved. We discussed earlier our opinion that EPA approval of a SIP revision may not mean that all the statutory elements have been addressed. B-208593, December 30, 1982. However, the main argument against this position is that it is the States, not EPA, which are mainly responsible for planning. The Administrator "shall approve" SIPs which meet the minimum statutory requirements. Act, section 110(a)(2). The burden is clearly on the State to determine whether more than the minimum efforts are necessary and to develop a plan adequate to achieve the NAAQSs within the time allowed. Act, section 107(a); *Train* v. *Natural Resources Defense Council*, 421 U.S. 60, 79 (1975). A too literal interpretation of the words "provide for attainment" impermissibly shifts the whole burden to EPA.

[5] Despite the fact that the moratorium is automatic, we do not generally disagree with EPA's use of a formal rulemaking effort to determine attainment or nonattainment status. Once that status is established the moratorium is automatic in nonattainment areas.

Another argument that the words "provide for attainment" do not require achieving attainment centers on the language in section 110(a)(2)(H). That section provides that the Administration may require a SIP revision at any time if the existing SIP is substantially inadequate to reach attainment. This position also shifts all the responsibility for nonattainment to EPA. Moreover, subparagraph H only applies to "substantially inadequate" plans. The existence of substantially adequate plans does not guarantee attainment, but the Administrator cannot compel their revision under this section. We also note that section 113(a)(5) of the Act allows the Administrator to invoke the construction moratorium any time a State is not acting in compliance with any plan provisions required under section 110(a)(2)(I) and Part D. The option to use the construction moratorium to encourage any noncomplying State to come into compliance negates the argument that mandatory plan revision is the exclusive remedy for plans which fail to reach attainment.

There is further evidence in the statutory language that the requirement that SIP revisions "provide for attainment * * * [by] December 31, 1982" meant that plans must actually result in attainment. Section 172(a)(2) extended to 1987 the time for attainment of the primary NAAQSs for two auto-produced pollutants. To obtain an extension, States had to show that "attainment [was] not possible * * * within the period prior to December 31, 1982 * * *." The mere fact that an extension was made available indicates clearly that without the extension, attainment by the original deadline was required, not merely hoped for.

Another statutory reference to December 31, 1982 as an attainment deadline occurs in the Part D definitions section. Each year they are in effect, Part D SIP revisions are required to secure "reasonable further progress" toward clean air standards. "Reasonable further progress" in turn is defined as "annual incremental reductions in emissions * * * which are sufficient * * * to provide for attainment of the applicable national ambient air quality standard by the date required in section 172(a) [i.e., December 31, 1982." Act, Section 171(1). (Italic added.)

This definition assume that the schedule for attainment is intended to procure clean air by a date certain.

The whole historical context of the 1977 Amendments also militates against the conclusion that full compliance with Part D can be attained by planning for, but not producing, healthful air. The Amendments were at least partly a response to the disappointing results achieved under the 1970 clean air legislation. A recent Circuit Court decision elaborated on this theme and held that the construction moratorium was an integral part of the whole nonattainment scheme, and that: "The nonattainment program's *raison d'être* is to ameliorate the air's quality in nonattainment areas sufficiently to achieve expeditious compliance with the NAAQSs." *Natural Resources Defense Council* v. *Gorsuch*, 685 F.2d 718, 726-27 (D.C. Cir. 1982).

We are further convinced that December 31, 1982, was a deadline for results by the fact that the 1970 Clean Air Act Amendments contained very similar language. In the 1970 version, an SIP had to be approved if it—"provide[d] for the attainment [of the primary NAAQSs,] as expeditiously as practicable but * * * in no case later than three years from the date of approval of such

plan * * *." Pub. L. No. 91-604, § 4(a), 84 Stat. 1680.

Analyzing this language in the context of the availability of postponements of some of the Act's requirements, the Supreme Court found the 3-year period to be a mandatory deadline. It said:

"We believe that * * * analysis of the structure and legislative history of the [1970] Clean Air Amendments shows that Congress intended to impose national ambient air standards to be attained within a specific period of time. * * *" *Train* v. *Natural Resources Defense Council*, 421 U.S. 60, 86 (1975).

In the *Train* case no one even considered the possibility that the 3-year timeframe might have been merely a procedural matter—a criterion by which to determine whether a SIP met statutory requirements. Rather, the assumption was that the deadline was real, and that nonattainment status on the deadline would violate the Act. We also note that the consequences of violation then and now were the same, a construction ban.

In light of the foregoing, it is plain that the December 31, 1982, expiration date was a deadline for attainment, not a target or a goal. We cannot accept the notion that Congress mentioned the date merely as an aid to planning, nor can we assume that, in spite of its express determination to provide a reasonable framework for attainment, Congress intended no consequences to flow from failure to "provide for" healthful air. Since we determined that the funding sanctions are not appropriate to use in the nonattainment context, the construction moratorium is the only sanction available to place any economic pressure on States to continue to seek attainment. Unlike the restriction of funds for non-implementation (Act, section 176(b)), it does not handicap States in their efforts to continue seeking attainment. Instead, the moratorium has the added advantages of preventing any further deterioration of air quality while it remains in effect, and encouraging further attainment-seeking activities, because only attainment (or amending the Act) will lift the ban.

CONCLUSION

In B-208595, December 30, 1982, we pointed out the need for congressional action to resolve these and other enforcement-related issues under the Act. Though EPA's proper and attentive enforcement of the existing law can maintain the status quo, there remain economic, public health, and Federal/State relations issues which only Congress is in a position to resolve.

In an April 27, 1983, letter transmitting that opinion to the EPA I said:

The additional GAO opinion discusses the applicability of sanctions or penalties for "State noncompliance with approved SIP requirements or nonattainment". The opinion describes four sanctions—the construction moratorium and three funding sanctions. It concludes that the construction moratorium is a mandatory statutory requirement which goes into effect "automatically" for "continued nonattainment" and that two of the funding sanctions "are mandatory and must be applied whenever the circumstances which are set out as statutory triggers exist", including circumstances where States "are inexcusably delinquent in submitting their final July 1, 1982" State Implementation Plan (SIP) revisions. It finds that such States "are candidates" for these sanctions "at this time". The GAO also concludes that use of these mandatory funding sanctions, as proposed by the EPA, for areas that "did not achieve the NAAQS by December 31, 1982, is not in accord with the law".

THE CONSTRUCTION MORATORIUM SANCTION

As to the construction moratorium sanction, the GAO found that:

This sanction "is automatic and mandatory any time a SIP revision is not in full compliance with all the Part D requirements". (According to the EPA's January 31 and March 17, 1983 press releases, more than 100 counties are believed to be in this category, including areas in Arizona, California, Colorado, Georgia, Idaho, Indiana, Illinois, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Nevada, New Hampshire, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Texas, and Washington. The EPA extended comment period affords an opportunity for these areas to show that they are not in this category. Once these comments are analyzed, I understand that EPA will publish the final list, including the determination as to those areas that are in the failure category, and this sanction, according to the GAO, will apply);

This sanction "was activated by the expiration of the December 31, 1982 attainment deadline set" by law;

To meet the requirements of law (as set out in Part D of the Clean Air Act) "a SIP revision must 'provide for attainment' in the real sense, not just on paper" (i.e., a SIP "which did not produce attainment did not sufficiently 'provide for' attainment, and therefore does not meet the requirements of Part D");

Referring to the December opinion, the GAO states that EPA approval of a SIP revision or SIP "may not mean that all the statutory elements have been addressed";

The EPA must approve SIPs which "meet the minimum statutory requirements";

The "States, not EPA", are "mainly responsible for planning";

The "burden is clearly on the State to determine whether more than minimum efforts are necessary and to develop a plan adequate to achieve the NAAQSs within the time allowed";

The "existence of a substantially adequate plan does not guarantee attainment" (but EPA "cannot compel" a revision under section 110(a)(2)(H) of the Act);

EPA has the option to invoke the construction moratorium sanction whenever a State "is not acting in compliance with any plan" which "negates the argument that a mandatory plan revision is the exclusive remedy" for plans which fail to reach attainment;

The "whole historical context of the 1977 Amendments also militates against the conclusion that full compliance with Part D can be attained by planning for, but not producing, healthful air"; and

The "deadline was real, and that nonattainment status on the deadlines would violate the Act".

The GAO therefore concludes:

In light of the foregoing, it is plain that the December 31, 1982, expiration date was a deadline for attainment, not a target or a goal. We cannot accept the notion that Congress mentioned the date merely as an aid to planning, nor can we assume that, in spite of its express determination to provide a reasonable framework for attainment, Congress intended no consequences to flow from failure to "provide for" healthful air.

Accordingly, we determine that the construction moratorium should be used as the penalty for continued nonattainment.

MANDATORY FUNDING SANCTIONS

(a) The December 31, 1982 Deadline:

As to these sanctions, the GAO makes it clear that before the EPA can cut off clean air grants and Federal-aid highway funds "the statutory context" for their use must exist which is the "requirement to submit a Part D SIP revision". The GAO then states:

There was no requirement to submit an SIP revision on December 31, 1982. Thus, an air quality region's continued non-attainment status on the NAAQS deadline has no relation to this sanction at all. Our analysis is entirely in accord with the legislative history of the provision which clearly indicates that it was to be an inducement to adequate planning, not a punishment if good plans fell short of the mark.

(b) The July 31, 1982 Deadline:

The EPA has a "mandatory duty to review and approve or disapprove SIPs", including SIP revisions;

Before a funding sanction becomes mandatory, in the case of the July 1, 1982 deadline, there must be a "deficient or nonexistent SIP revision";

Such a SIP revision (to avoid EPA calling it deficient or nonexistent) must meet the statutory requirements of section 176(b) and (c) of the Act (including a "specific schedule for implementation of a vehicle emission control inspection and maintenance program" and "transportation controls to reach attainment", as discussed in the GAO's December opinion, and an EPA finding "that reasonable efforts are being made toward submitting a complete SIP revision". (According to EPA documents, the EPA has proposed disapproval of July 1982 SIP submissions for areas in such States as California, Illinois, Indiana, Maryland, Michigan, New York, Pennsylvania, Utah, and Wisconsin);

The "only flexibility which exists" in the law for the EPA "is in the determination of what constitutes 'reasonable efforts' toward producing a complete SIP revision including all the statutory elements and necessary transportation controls";

Referring to the December opinion, the GAO noted that about half the States required to adopt SIP revisions by July 1, 1982 "omitted at least one of the control strategies required" by the law and EPA's published policy and "all but three of those were deficient because enforceable I and M was not included";

The "reasonable efforts" provision of the law entails "sufficient legitimate discretion" to defer a funding cutoff "temporarily for States that submitted the schedules and commitments" that EPA called for in its May 21, 1982 letter to the Governors, even though, the GAO thinks the flexible requirements set forth in the EPA letter "are too lax to form a basis" for any approval of the SIP revision; and

The sanction "must be imposed in the future if States do not follow through with their commitment to submit an acceptable SIP revision, including transportation controls", which means that the "reasonable efforts" must mature at some time and that EPA cannot delay the inevitable indefinitely.

In conclusion, the GAO holds:

Future application of the clean air grant and highway fund sanction remains entirely appropriate for States which have not complied with the requirements of sections 172

(b) and (c) of the Act and the January 22, 1981 Policy for SIP revisions of carbon monoxide and photochemical oxidants. A list of those States that submitted SIP revisions on July 1, 1982, and the deficiencies in their content on vehicle inspection and maintenance and other transportation control measures was published at 48 Fed. Reg. 5022, 5025. This list demonstrates that this sanction can be used effectively at this time to promote adequate transportation planning, as was clearly intended by Congress. In reviewing July 1, 1982, submittals to determine whether to use the sanction, EPA should apply the standards set forth in B-208593, December 30, 1982.

GAO CONCLUSION

The GAO concludes:

Thus, we find that EPA's recent proposal to invoke the construction moratorium in nonattainment areas is correct, but its proposed use of the other statutory sanctions in that context is incorrect. It should use the other funding sanctions to achieve maximum compliance with the July 1, 1982, SIP revisions and apply the standards set forth in our earlier opinion to you.

The two GAO opinions taken together make it clear that, as a matter of law, the EPA's proposed findings of last January and February are correct, particularly those that hold that:

A State must attain the applicable national ambient air quality standard by the December 31, 1982 deadline, not merely plan to attain it;

The construction moratorium is automatic, once EPA concludes that an area has not attained the standard by the statutory deadline or adopted an I and M program; and

The EPA can impose funding sanctions on States that have deficient or nonexistent SIP revisions under the July 1, 1982 deadline.

I should stress that I am not consoled by the GAO conclusion that funding sanctions do not apply for failure to reach attainment by December 31, 1982, when I realize that many States, such as California, Indiana, Pennsylvania, and Michigan, are in violation of both deadlines. They face the moratorium and funding sanctions.

I once again stress that I do not like these sanctions or relish the idea that they will be imposed. But the law is the law. It must be enforced eventually. Some States complied with the law at considerable cost. Those that did not for whatever reason should not be given special treatment. They must face the consequences of their failure to comply, namely sanctions. I, therefore, request that you provide by May 18, 1983 a detailed schedule for finalizing the proposals of last January and February and for imposing the sanctions where applicable and in accordance with these GAO opinions.

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

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from California (Mr. DANNEMEYER). What the gentleman from California (Mr. DANNEMEYER) is attempting to do with this amendment is to deal with the situation that is faced by some 200-odd areas of the country that, for whatever reason, have not attained the national air quality standards by the last December date.

I want to correct an impression that was set forth here in an earlier colloquy between Members. We are not talking about changing the standards themselves. All we are talking about is the potential sanctions that will have to be imposed because of the dates that were put into the act back in 1977.

The gentleman from Michigan is entirely correct in that the sanctions are draconian and the dates are unrealistic. They need changing. I want to point out that the amendment offered by the gentleman from California will affect those States that have submitted a State implementation plan, those that meet the requirements of the law, those States that have offered SIP's that comply with the law, those that are adequate, and nevertheless, for whatever reason, have not attained the NAQS by national air quality standards by the deadline. They are enforcing the State implementation plan, they are carrying out the enforcement strategy, and they are attaining further progress.

But it does not make sense for those areas that have had just an occasional exceedance in the NAQS to then impose these draconian sanctions on them of withholding of funds or of imposing construction bans. It seems to me that there is certainly a better way, and the gentleman from California (Mr. DANNEMEYER) has done that in this amendment. This amendment does not apply to those States that have failed to submit adequate SIP's. It does not apply to those that have failed to comply with the conditions that are contained in their State implementation plans.

So this amendment is very narrowly drawn. It deserves the support of a majority of the committee.

The CHAIRMAN. For what purpose does the gentleman from California (Mr. WAXMAN) rise?

Mr. WAXMAN. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman from California (Mr. WAXMAN) is recognized for 5 minutes.

There was no objection.

Mr. WAXMAN. My colleagues, I find it a paradox that we find people arguing on this floor that we ought to enforce vigorously, even in a nonsensical way, sanctions for failing to meet deadlines, even though a State tried its best to comply with the requirements of the clean air law, while some of these same people, when they had an opportunity to introduce changes in the law, proposed that we eliminate the sanctions that would be imposed not only for failing to meet deadlines, but for a lot of the other requirements imposed under the Clean Air Act as well.

□ 1530

The reason this issue is before us is because Ms. Gorsuch, when she was the head of the EPA and when she was Ms. Gorsuch—she is now Mrs. Burford—thought that they had to pull a trigger that was aimed at the head of every Governor even though they did all they could to meet the requirements of the law. Now, why would one believe that she wanted to be so strict in the enforcement of the Clean Air Act when her record as the Administrator of the Environmental Protection Agency would lead one to a different conclusion? I ask that as a rhetorical question.

The interpretation of the law that the Dannemeyer amendment would give and which I support is an interpretation that is backed by the National Governors Association, the U.S. Conference of Mayors, the National League of Cities, the National Clean Air Coalition, the Sierra Club, the Natural Resources Defense Council, and the League of Women Voters.

If Members think that the environmental position is to enforce the maximum sanctions in an unreasonable way, then they are kidding themselves. This is a reasonable interpretation of the law which the Dannemeyer amendment would have us make, and I urge my colleagues to support this interpretation so that we can have the interpretation of the law that would do as follows: A State which is not properly carrying out an approved implementation plan, approved by EPA, and which when notified by EPA, proceeds within a reasonable time to revise and then implement its plans to attain the standards as expeditiously as practicable should not be subject to restrictions on new source permits or funding.

Mr. Chairman, that is the interpretation of the law that would be embodied in this amendment, and I urge that it be adopted.

Mr. COLEMAN of Texas. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to my colleague, the gentleman from Texas.

Mr. COLEMAN of Texas. Mr. Chairman, I would like to ask the gentleman whether or not indeed, by the passage of this amendment, we could alleviate some of the problems that border areas, for example, our having with nonattainment due to large cities over which we have no control at all.

Mr. WAXMAN. Mr. Chairman, I cannot give the gentleman an adequate answer to his question because it would depend on what the State was doing in its State plans.

Mr. COLEMAN of Texas. If there was a State plan or, in other words, if they were making the best effort they possibly could, then indeed would communities not be assisted by the Dannemeyer amendment?

Mr. WAXMAN. Mr. Chairman, I know that the gentleman has a special concern in his area, and I want to do all I can to help him with that problem. I do not know whether it fits into this amendment or not.

If sanctions would be imposed in a draconian way solely because the area, even though it acted in good faith and under the State plan to meet the requirements of this 1982 deadline, then this amendment would be of help. But if there are other reasons, I do not know. And by the way, this does not eliminate all sanctions for failing to live up to the Clean Air Act. It only eliminates one, and that would be a misinterpretation that there has to be a sanction for failing to meet deadlines. The law provides that the sanctions are not to do all that is necessary to have a plan that would meet those deadlines.

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

Mr. WAXMAN I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, is it not incorrect to say it only eliminates one sanction? It does not eliminate the sanctions at all.

All it does is eliminate the EPA from taking that sanction. There is nothing to prohibit somebody from bringing a class-action suit to enforce that sanction, and, therefore, we are misleading the people. We are kind of perpetrating a fraud because the remedy is still there; it is just not there for the Government to enforce that remedy.

Mr. WAXMAN. Mr. Chairman, if I may reclaim my time, I think that the gentleman is incorrect in that interpretation. No one has ever moved on a citizens' suit. The whole question was whether EPA, given their threat to impose these sanctions, was going to follow through and whether in fact they had the discretion under the law, as I believe they do.

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

Mr. WAXMAN. I am pleased to yield to my colleague, the gentleman from Ohio.

Mr. LUKEN. Mr. Chairman, I would like to ask the gentleman from California this question: When the gentleman submitted H.R. 5555, the Clean Air Act amendment, last year, did it have this provision in it?

Mr. WAXMAN. Mr. Chairman, we proposed to extend or we had proposals that dealt with the deadline question, but there was no need to change this section of the law because we were never given this interpretation of the law.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has expired.

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

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

Mr. WAXMAN. I am pleased to yield to the gentleman from Ohio.

Mr. LUKEN. Mr. Chairman, I would submit to the gentleman that when the gentleman submitted H.R. 5555 last year, this provision was not included. But contrary to what the gentleman just stated before, the provisions of 5252 did not eliminate sanctions but made them discretionary under certain criteria, sensible criteria, which would be settled under law.

What we are talking about here is a blanket exemption and a rewarding of the States and some areas that have not cleaned up, which means conversely that those that have cleaned up will be penalized. That is absolutely the intention, and all the qualifications, as the gentleman stated when he was in the well, are not in this amendment. All this amendment says is that no funds may be obligated to impose sanctions under the Clean Air Act. That is what we told the gentleman last year he would be coming in with on an amendment when we talked about it in the committee.

Mr. WAXMAN. Mr. Chairman, if I may reclaim my time, we did not have to address this issue. We extended the deadlines that were unrealistic, but what we kept in the law, something which the gentleman from Ohio did not insist upon in his proposal, was that the States do all they could to live up to the Clean Air Act and develop a plan that would in fact clean up the area, and that ought to be an essential part of the Clean Air Act. That we are not proposing to change, and those who argue against this reasonable interpretation of the law would like to put a gun to the heads of the Governors and pull the trigger.

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

Mr. Chairman, as long as the Committee on Energy and Commerce is airing all its dirty laundry this afternoon on this appropriation measure, I think another side of the issue, a third side, ought to be presented.

When this issue of clean air came up before the Committee on Energy and Commerce last year, the very members who refused to compromise are the ones who are here today asking that the Clean Air Act be ignored. They were the ones who refused to make the legislative process work, they were the ones who would not address acid rain in a reasonable way, who would not address the hazardous waste issue in a reasonable way, and who refused to recognize that some industries could not live with the current Clean Air Act and refused to address that in a reasonable way.

We had unreasonable environmentalists, we had unreasonable people on the other side, and because the two refused to come together and because outside pressure groups refused to allow them to come together, we have not had a rewrite of the Clean Air Act.

So what are we being asked to do? Not to change the law as it should be changed, not to address those environmental issues which should be addressed or address those economic issues which should be addressed, but, instead, we are being asked to allow those areas of the country which have not been able to live up to the law to be allowed to get off the hook. That is essentially unfair.

Now, I recognize that California has a problem, I recognize that a lot of other areas of the country have problems, and I recognize, too, that because of the way the political process works, it is probably unlikely that the Committee on Energy and Commerce is going to be able to come up with a Clean Air Act this year. So, therefore, I understand why my colleague, the gentleman from California, and others are supporting this amendment. But it seems to me that everyone ought to understand what is happening here, and that is that we have, for a variety of reasons, been unable to be reasonable on the Clean Air Act. Therefore, we have a problem caused by a refusal to abandon extreme positions. I say a pox on both sides, both the pro-industry side and the proenvironmentalist side. Because of both sides the normal compromise that would be worked out in the legislative process has not been developed.

As a result, what we are saying is that the law that is on the books is going to be ignored. Oh, we are not changing the standards; we do not want to do that; that would not be proenvironment. Instead, what we are going to do is say that "if you didn't meet the standards, that's OK." That is not fair to the areas of the country that did meet the standards, and it really is not fair to the areas of the country that did not meet the standards because now those people are going to be forced to continue to breathe all that bad air.

I think the proper thing to do is to have the Committee on Energy and Commerce once again address the issue, and I am glad to know that our chairman is willing to do that. If we had a willingness on the part of everybody to not only address the issue but also to attempt to sit down and work out the compromises that are necessary to have a good act, then we would not have to take this kind of extraordinary measure which really makes this body look foolish. We look foolish because we are in this amendment saying that we are going to have these wonderful clean air standards in the law but we are going to eliminate the means to enforce them.

□ 1540

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

Mr. Chairman, I think, like a lot of Members in the house here today, I have been totally confused by the debate. I have watched the actors and tried to associate them with the positions that they have had on clean air in the past and it does not match up.

I suspect that the gentlewoman from Illinois (Ms. MARTIN) was correct in what she said before. We should be for clean air and we should be for sanctions and we should be for deadlines, unless our congressional district is included in this list of those that do not comply, in which case then we are not for clean air. Then we look at the Environmental Protection Agency, which has been under severe attack in this body for the last year for being too lenient and I have been one that has attacked it, but suddenly we are being told that they are too severe and too strict and they have to be more lenient.

I am totally confused, and in my confusion, Mr. Chairman, I choose to vote against the amendment.

Mr. COATS. Mr. Chairman, I move to strike the requisite number of words and to oppose the amendment.

Mr. Chairman, it is with reluctance that I rise to oppose an amendment offered by my friend from California (Mr. DANNEMEYER). I appreciate his frustration in attempting for 2 years to enact meaningful changes to the Clean Air Act and, having failed that, seeing this as his only remedy, the only way that he can possibly bring about some significant delays in the timetables and the standards to allow his district that he represents to move forward in terms of development, even though it is not in compliance with the attainment standards of the Clean Air Act.

For 2 years in the Energy and Commerce Committee we have attempted to bring about reasonable changes in the Clean Air Act and address the very issue we are talking about here today. Those that supported those attempts and those that supported those changes were subject to a barrage of newspaper editorials and stories, labeling them as against clean air.

You are listening to one who has been labeled "Dirty Dan," one who has taken all of that abuse for 2 years because I wanted to bring about changes in the Clean Air Act so my area could move forward with development, only to stand here on the floor of the House of Representatives and listen from all of those people who opposed every effort made in the House Energy and Commerce Committee to make adjustments to the Clean Air Act. Procedurally and substantively, every effort that was brought forward was objected to and resisted on the basis that the change would totally undermine the Clean Air Act. Now they come before us saying, "We have found out that our particular area now is subject to and up against the deadline and, therefore, we want to have a bailout, we want an exemption for our particular area."

I would suggest that the gentlemen cannot have it both ways. They cannot force upon the rest of the country standards that are difficult to comply with only to find that when it comes to their particular district they want an exemption from that particular standard. So it is with some degree of amazement and skepticism that I have to rise and listen to those who opposed every effort to make modifications to the Clean Air Act now come before us and ask for modifications so that they can bail out their particular district.

I yield back the balance of my time.

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

Mr. Chairman, I rise in favor of the Dannemeyer amendment. I think it speaks to very legitimate kinds of concerns.

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

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. DINGELL. This is not going to help Pennsylvania.

Mr. WALKER. I thank the gentleman for his observation.

Mr. DINGELL. This is not going to help Pennsylvania, the specific problem in Pennsylvania which is inspection and maintenance. The amendment does not deal with that court-ordered problem.

Mr. WALKER. I thank the gentleman for his observation. I think at a time when my State and perhaps his is suffering tremendous rates of unemployment that when we attempt to take actions which at least have some hope of preserving industrial production in those areas that it is perhaps actions that we should take.

I also am concerned about the fact that we do come to this kind of issue at a time when jobs in this country are a major concern, and when the gentleman from North Carolina originally talked about this amendment he pointed out that jobs were in fact one reason for approving this amendment, and I hope it is approved.

I would also hope we would then go on and approve an amendment which I intend to offer which deals with specifically the issue of job opportunities. That amendment reads, and I will just state it so everyone understands it; it is a simple statement of job opportunities:

> None of the funds appropriated under this Act shall be used to administer any program or activity in a manner which denies legitimate job opportunities to any individual.

The reason why I raised this in the course of this very important debate is because I understand that we are probably going to have another vote similar to the vote that we previously had about whether or not we are going to continue the debate here on the House floor. I had hoped that maybe we had resolved that issue, once and for all, when we voted to allow amendments like that of the gentleman from California to come before us, in hopes that also this amendment would come before us. It is now my understanding that the House leadership has made a determination that we are going to vote procedurally again. I would hope we could avoid that and simply go on and take care of some of these amendments which play a legitimate part in the bill that we have before us.

The particular amendment that I have speaks to a very important issue, one that was addressed recently in a legislative committee, and that is the issue of public housing and whether or not some of the young people who live in public housing areas, 15 to 21 years old, that have extremely high rates of unemployment, whether or not the Secretary of HUD ought to be given the flexibility to see to it that those people can be employed.

Part of what my amendment would do would be to assure that those people would have some job opportunities made available to them.

It seems to me we are going to have a very strange position around here if we vote to take up the amendment now before us and then we vote to deny an amendment that offers the potential of job opportunities. Yet the leadership is going to put us in that kind of a position.

I simply take the time to urge the Members that if we come to that kind of a vote, procedural vote again as to whether or not we are going to continue the debate on legitimate amendments, that they would vote in favor of keeping the committee in business and not to rise so that we can have consideration of a job opportunity amendment. I think it would be very hard to explain to constituents, particularly unemployed constituents, why you voted to have the committee not consider a job opportunity amendment when we are running 10-percent unemployment in the country.

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

Mr. WALKER. I yield to the gentleman.

Mr. LUKEN. My chairman just before pointed out to the gentleman that Pennsylvania would not benefit from this amendment because Pennsylvania is under a court order. That shows the whimsical nature of this amendment and this kind of an approach. It does not work. It is unfair.

Also, it is not aimed at cleaning up the air.

It has been commented that there has been a sort of a strange marriage here on the floor of the House between the gentleman from California (Mr. WAXMAN) and the other gentleman from California (Mr. DANNEMEYER). I do not know all of the reasons. But it may be the document I have in my hand here which points out the areas of California, of which there are many, which are not in compliance. They are at least in or around the districts of the gentlemen that are involved.

I think this is a pattern that we are seeing here. Many Members are voting their parochial interests. We all do, and I am not pointing any fingers. It is not reprehensible or anything like that. But we all should understand the actual reasons why it is happening.

My chairman also pointed out very forcefully and very cogently before that the reason that these districts can get away with this under the law, with this amendment, is that they have provided cheater SIP's which EPA wrongly approved. Now they want to be excused.

I would suggest to that gentleman that I agree with him.

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

(On request of Mr. LUKEN and by unanimous consent Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. LUKEN. I would agree with the gentleman as far as the rule change was concerned. I did not like it, and I think these amendments should be voted on. I agree with the gentleman completely on that.

But I think the gentleman might rethink this particular amendment because it does tend to be whimsical. It is not going to be good in the long run. It is not going to be an evenhanded enforcement of the Clean Air Act.

Mr. WALKER. I thank the gentleman for pointing out the situation with regard to Pennsylvania. I would say to the gentleman, though, that the reason why the court order came about in Pennsylvania is as a result of this law.

We have had some very considerable problems in complying with that court order and just recently have managed to get something through the legislature which would put us into compliance. But I would say to the gentleman there is some question as to whether or not what the legislature finally passed is going to serve the best interests of clean air when all is said and done, because in order to get something politically possible through the legislature, what they have done is given nearly everybody in the State an exemption anyhow.

□ 1550

So, I would hope that we would in fact support the Dannemeyer amendment in hopes that at least we can begin to show the certainty as to what is in place.

(On request of Mr. TAUKE and by unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

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

Mr. WALKER. I yield to the gentleman from Iowa.

Mr. TAUKE. I thank the gentleman for yielding.

As the gentleman from Pennsylvania pointed out, Pennsylvania had a problem because of this law which is being addressed today. I guess that is the point. It is the law that ought to be changed, not the limitation of funds for the enforcement of that law.

By eliminating funds for the enforcement of that law, all we are doing is taking this Congress off the hook, taking the Energy and Commerce Committee off the hook. We are taking the subcommittee that should address this issue off the hook and we are allowing those individuals in this Congress who have the responsibility for formulating policy in this area off the hook by leaving that lousy law on the books and simply saying, "Well, now, we are not going to change that—the thing that got your State in trouble; instead we are going to insure it is not enforced."

Mr. WALKER. I thank the gentleman. I think he makes a very legitimate point. I would say in response one of the problems we have around here right now is the fact that the authorizing committees and the committees that should be dealing with these laws so often are rendered powerless and the only place we have to address these issues is in the appropriation bills. This may be the only time we will get a chance to address this issue in this way. I would hope that the Members would say we have some lousy jobs being done around here in the committees and we need to address problems in a way that really speaks to issues of concern to many of our constituents and many of our States.

I yield back the balance of my time.

Mr. MARTIN of New York. Mr. Chairman, I move to strike the requisite number of words.

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

Representing an area of America that is dramatically impacted by the effects of acid rain, we waited patiently throughout the last Congress for omnibus clean air legislation to come out of the Energy and Commerce Committee.

They were unsuccessful in coming up with a piece of legislation, and I am fully satisfied—facing reality—that any legislation that would come out of committee probably would not attack the problem precisely the way I would like to. But at least it would give us the opportunity to deal with the problem here on the floor and offer up an amendment.

Until something happens within that committee, we are not going to have an aggressive policy toward the problem of acid rain.

And as far as I am concerned, if we pass this amendment you can forget about having clean air legislation coming out of that committee in an expeditious way. It was difficult enough in the last Congress. But what you are going to do is to take the pressure off if you pass this amendment.

I cannot hate any one for voting in favor of this, especially if you would find part of your district or your State in noncompliance. I can understand that. I certainly take no umbrage. But I would ask my colleagues not to support this; do not take the pressure off. We deserve to have the committee product come to the floor, and if we do not agree with the committee product we ought to have the right to amend. This is just a cop out. It is going to mean that we will not, during this Congress, have the appropriate legislation which will deal with the issues of clean air and acid rain. And I ask my colleagues to oppose the amendment.

Mr. KINDNESS. Will the gentleman yield?

Mr. MARTIN of New York. I yield to the gentleman.

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Chairman, I think the time comes in the functioning of any legislative body when it is necessary for the members of that legislative body to let some part of the legislature know that we are dissatisfied with the way things are going.

There is dissatisfaction with the way the Energy and Commerce Committee is functioning. If that message is not made clear here today by what has been said, it will never be made clear. I think the Committee on Energy and Commerce ought to take a very serious message away from this debate. I thank the gentleman for yielding.

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

Mr. MARTIN of New York. I yield to the gentleman from Illinois, the distinguished minority leader.

Mr. MICHEL. I thank the gentleman for yielding and I am happy to hear him say he has no ill feeling toward those of us who may have a different position than he.

I want to first commend the gentleman from California for offering his amendment here today, giving Members an opportunity to vent their spleen, so to speak. I must confess that I am one of those who feels so frustrated over the impasse in the Com-

merce Committee relative to amending the Clean Air Act. The gentleman from Iowa (Mr. TAUKE) laid it out very clearly for us.

Mr. Chairman, I rise in support of this limitation language, which would prohibit the Environmental Protection Agency from applying the sanctions announced on February 3, and I do so because this sanctions approach is an ineffective and inappropriate means of enforcing the law.

Under the February 3 order, numerous counties around the country were placed on a sanctions list for not technically being in compliance with the Clean Air Act. Placement on this list results in moratoriums on construction, denial of Federal highway funds, and other similar types of penalties—penalties which may in fact be counterproductive in many cases.

An example of what I am talking about occurs in my own district, where a company—Midwest Solvents—in one of the counties on the sanction list—Tazewell County, Ill.—is seeking to build a fluidized bed combustion boiler that would enable it to burn high-sulfur Illinois coal at a low level of pollution.

This is the kind of innovative project we should be encouraging as a means of reducing air pollution, but under the sanctions approach, they would be denied a permit to construct the facility.

Furthermore, EPA tells us it would take many months, perhaps beyond the end of the year, for a waiver to be processed. The State, fortunately, has found a way to grant the permit without technically controvening the law, thus allowing construction to begin, but the boiler could still not be put in use until appropriate EPA action takes place.

I could cite other examples where we believe we are in compliance with the standards, but where the lengthy, cumbersome EPA review process and arbitrary nature of the sanctions designation make it almost impossible that any change in the designation will take place in the near future.

So these counties are tarred by the brush of noncompliance with the Clean Air Act, which not only hinders construction, but also makes it more difficult to recruit new industry.

I believe Bill Ruckelshaus feels the same way, from comments he has made. I have asked him to pull back and reconsider these sanction regulations, but I understand there is a question as to whether he can legally do so.

There is no question but that the Clean Air Act must be vigorously enforced. The broad-brush sanction approach, however, is not the most effective way to do so. It is arbitrary, dated, and does not allow for a rapid review and reconsideration of a county's designation.

I think there is pretty widespread agreement in this regard, and I would thus hope we will call a halt to this approach and explore other methods of enforcing the act.

Again, I applaud the gentleman from California (Mr. DANNEMEYER) for his initiative and thank the gentleman from New York for yielding to me.

Mr. MARTIN of New York. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. For what purpose does the gentleman from Massachusetts rise?

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

I am about to move to close debate on this in a very few minutes. I do not like to foreclose the gentleman who is now on his feet. I will yield to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. I thank the gentleman for his courtesy.

Mr. Chairman, I am not a member of the Energy and Commerce Committee, unfortunately, and I concede my confusion at this moment to determine how this matter relates to my particular congressional district. The problem is that I supported Mr. DANNEMEYER's efforts last year to prohibit these kinds of sanctions against noncompliant political jurisdictions who did not have an inspection and maintenance program. Well, the people of my State and district adopted an I&M program and submitted a general plan accepted as being in compliance. We got into compliance the hard way. We have done all of the things that was said we had to do, with considerable expense I might add, and some frustration and some confusion as well. We are now in compliance. And if this amendment is adopted, we will presumably not have any problems. By the same token, the thing that confuses me and if the committee chairman or the gentleman from California (Mr. DANNEMEYER) or whoever can enlighten me on this, if the general assembly in my State chooses not to extend the legislation that got us in compliance after June 30, 1984, when it now expires, and the plan that was submitted which met the EPA requirements expires, if that happens, would we then be in noncompliance and should I vote for this amendment for that reason or should I, because my district is in compliance, be against the amendment.

I yield.

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from Michigan, and then I will yield to the gentleman from New York.

Mr. DINGELL. I thank the gentleman from Massachusetts for yielding.

Mr. Chairman, I commend the gentleman. He raises an important point. First of all, the amendment is so deficient that if it were to come up as an amendment to the Clean Air Act, its offeror and the chairman of the subcommittee, Mr. WAXMAN, and most of the other Members on this body would denounce it for the fact that it is ineffective, it does not work, and it is unfair.

The way this amendment is drawn, there is no clarity as to what it will do with regard to the problem of the gentleman from Virginia.

What it does do, though, is it makes plain that many parts of the country, which have not acted to clean up their air, which filed cheater SIP's or which have not enforced their SIP's or which have not done things to clean up the air, will get the benefit of their sloth.

Other areas which have moved, as the gentleman's State has done, to comply with the law and clean up will suffer the penalty of having imposed economic adversity upon their citizens and the costs that are associated with that. But they also will be compelled to continue breathing the air that comes into their State from other States, because State lines are no barrier to polluted air. For example, if one looks at southern California, one will probably find that a massive plume of polluted air is moving from the Los Angeles basin on into other States—New Mexico, Arizona, Colorado—all throughout the West, polluting and contaminating the air.

Now, California has not taken the steps it is supposed to. This amendment would sanctify that behavior and would eliminate sanctions to be asserted on California for its failure to clean up.

□ 1600

And the other States, which are downwind from that, will be compelled to continue breathing that polluted and contaminated air. And yet those States have taken steps to clean up. They are penalized twice, once because they have acted to clean up and once because California now escapes the consequences of its failure to clean up its air.

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

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

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, I would like to respond and correct some of the things that have been said. This amendment has nothing to do with inspection and maintenance. Those areas that have asked for and got an extension under the law to 1987, a number of those areas had inspection and maintenance required in order to clean up the emission from automobiles and this could still be done with areas in the future. It does not affect that, but still those States that have submitted adequate plans—they have been referred to as

cheater SIP's here—if they are not adequate, this amendment does not apply to them. If the State implementation plans comply with the law, if they are meeting the law, then this amendment would apply to those States. If they are enforcing the SIP's, if they are carrying out the enforcement strategy and if they are obtaining further progress——

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

(By unanimous consent, Mr. BOLAND was allowed to proceed for 5 additional minutes.)

Mr. BOLAND. Mr. Chairman, I yield to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL. I thank the gentleman.

To conclude, what I am trying to say is this would not apply to those States that have failed to submit adequate State implementation plans or have failed to comply with conditions that are contained in those plans.

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

Mr. BOLAND. I yield to the gentleman from California.

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Chairman, I would like to respond to my colleague from Virginia that the list of congressional districts that contain all or parts of the counties that are not in compliance does not list Virginia in that category. That tells me that the counties in Virginia are in compliance with the law as it required as of December 31, 1982.

However, it may be that the compliance was achieved as a result of the implementation of I&M. If the gentleman's legislature deletes the requirement of I&M in Virginia, it may then result in one or more of the gentleman's counties not being in compliance with the deadlines and at that point this amendment could have relevance to the gentleman's congressional district or to the gentleman's State.

The point I seek to make is the I&M issue is separate and apart from the achievement of the deadlines pursued.

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

Mr. BOLAND. I yield to the gentleman from Iowa.

Mr. TAUKE. I thank the gentleman for yielding.

Mr. Chairman, I believe the gentleman from California gave a faulty and erroneous response to the gentleman from Virginia.

If I could have the attention of the gentleman from Virginia, it is true that right now Virginia is in compliance with the law. And it is also true that Virginia is in compliance with the law because it has inspection and maintenance programs. If the State now abandons those inspection and maintenance program, then you will be violating your own State implementation plan and therefore sanctions, even with the passage of this amendment, can be imposed on you.

So since you have done a good job and back away from it you will be subject to sanctions. Somebody else who is not in compliance now maybe because they did not adopt inspection and maintenance will not be able to have sanctions imposed against them under this amendment the way it is worded.

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

Mr. BOLAND. I yield to the gentleman from Virginia.

Mr. PARRIS. I thank the gentleman for yielding.

Mr. Chairman, I appreciate very much the comments of my colleagues and I think this exemplifies the kinds of problems that the chairman of the committee has alluded to in bringing this kind of a very technical, complicated issue before this House in this fashion.

The General Assembly in Virginia, which established the I&M program through June of 1984, meets in January of 1984, and if it does not in fact extend that program then my State will then be in noncompliance and there will be a 3-month period under which the area that we have now struggled so mightly to comply with, will be in noncompliance and therefore subject to the sanctions.

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

Mr. BOLAND. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, what will happen to the gentleman's State will be that during the time that the State is in compliance, it will be protected. It does not need this amendment. If it were not in compliance and had not acted, it would need this amendment and then would purportedly be sheltered under the amendment. But if the State, having acted and imposed all these penalties on its people, then subsequently does not carry forward, it will not be in compliance with its own State implementation plan and will then be subject to penalties. That is the example of the unfairness of this amendment.

Mr. BOLAND. Mr. Chairman, I ask unanimous consent that all debate on this amendment and amendments thereto end in 3 minutes.

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

There was no objection.

Mr. BOLAND. Mr. Chairman, this is the third year in a row that the same cast has come here and offered limitations of somewhat similar kindred.

The first 2 years, fiscal years 1982 and 1983, concerned vehicle inspection and maintenance sanctions. This year the amendments concern a related issue, as I understand it, involving sanctions if a State fails to meet clean air attainment standards. If the membership of this committee had followed my advice an hour and a half ago, we would have been out of here, particularly if we had voted to rise at that time. We would not have had this problem here if we had a Clean Air Act. It is that simple.

So, Mr. Chairman, I would hope that the amendment offered by the gentleman from California would be defeated. I do not support it. I am persuaded by the rather potent argument of the gentleman from Iowa (Mr. TAUKE). I would hope that the committee would vote down the amendment offered by the gentleman from California.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. DANNEMEYER).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 136, not voting 69, as follows:

[Roll No. 149]

AYES—227

Addabbo	Edwards (AL)	Ireland
Anderson	Edwards (CA)	Jacobs
Andrews (NC)	Edwards (OK)	Jones (OK)
Andrews (TX)	Emerson	Kasich
Applegate	English	Kemp
Archer	Erdreich	Kogovsek
Aspin	Erlenborn	Kramer
Barnes	Evans (IL)	Lagomarsino
Bartlett	Fascell	Lantos
Bateman	Fazio	Latta
Bates	Feighan	Leath
Bethune	Fiedler	Lehman (CA)
Bevill	Fields	Leland
Biaggi	Fish	Levin
Bilirakis	Flippo	Lewis (CA)
Bliley	Foley	Lewis (FL)
Boggs	Ford (TN)	Loeffler
Boner	Frank	Long (LA)
Borski	Franklin	Lott
Boucher	Gaydos	Lowery (CA)
Boxer	Gekas	Lowry (WA)
Brooks	Gephardt	Lujan
Brown (CA)	Gibbons	Lundine
Broyhill	Gilman	Lungren
Bryant	Gingrich	MacKay
Burton	Gonzalez	Madigan
Byron	Goodling	Markey
Campbell	Gore	Marriott
Chandler	Gramm	Martin (NC)
Chappell	Gregg	Matsui
Coelho	Hall (IN)	McCandless
Coleman (TX)	Hall (OH)	McCollum
Conable	Hall, Ralph	McCurdy
Crane, Daniel	Hall, Sam	McDonald
Crane, Philip	Hamilton	McEwen
Daniel	Hammerschmidt	McHugh
Dannemeyer	Hance	McNulty
Daschle	Hansen (ID)	Michel
Daub	Harrison	Mikulski
Dellums	Hartnett	Miller (CA)
Dicks	Hefner	Miller (OH)
Dorgan	Hiler	Mineta
Dowdy	Hillis	Mollohan
Dreier	Horton	Montgomery
Durbin	Hubbard	Moody
Dymally	Hunter	Moorhead
Dyson	Hutto	Murphy
Eckart	Hyde	Murtha

Myers
Neal
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Ortiz
Ottinger
Oxley
Packard
Patman
Patterson
Paul
Pease
Penny
Quillen
Rangel
Ray
Reid
Richardson
Ridge
Robinson
Rogers
Rose
Roth
Rudd
Savage
Schaefer
Scheuer
Schroeder
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shumway
Sikorski
Skeen
Smith (NE)
Smith, Robert
Snyder
Solarz
Spence
Spratt
Staggers
Stangeland
Stenholm
Stump
Sundquist
Swift
Synar
Tallon
Taylor
Thomas (CA)
Torricelli
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Wheat
Whitehurst
Whitley
Williams (MT)
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Yates
Yatron
Young (FL)
Young (MO)
Zablocki
Zschau

NOES—136

Ackerman
Akaka
Albosta
Annunzio
Anthony
Barnard
Bedell
Beilenson
Bennett
Bereuter
Boehlert
Boland
Bonior
Bosco
Breaux
Britt
Broomfield
Brown (CO)
Carper
Carr
Clarke
Clinger
Coats
Coleman (MO)
Cooper
Corcoran
Coughlin
Courter
Coyne
D'Amours
Davis
de la Garza
DeWine
Dingell
Donnelly
Downey
Dwyer
Early
Edgar
Evans (IA)
Ferraro
Ford (MI)
Fowler
Fuqua
Garcia
Gejdenson
Glickman
Gray
Green
Guarini
Gunderson
Hatcher
Hertel
Hightower
Hopkins
Hoyer
Huckaby
Hughes
Jeffords
Jenkins
Johnson
Jones (NC)
Kaptur
Kastenmeier
Kennelly
Kildee
Kindness
LaFalce
Lent
Levitas
Lipinski
Livingston
Luken
Mack
Martin (IL)
Martin (NY)
Mavroules
Mazzoli
McCloskey
McDade
McGrath
McKernan
McKinney
Minish
Mitchell
Moakley
Molinari
Moore
Morrison (CT)
Mrazek
Natcher
Nelson
Olin
Owens
Parris
Pepper
Perkins
Petri
Pickle
Porter
Ratchford
Regula
Rinaldo
Ritter
Roberts
Rodino
Roe
Roemer
Rostenkowski
Roukema
Roybal
Russo
Sawyer
Shannon
Shelby
Slattery
Smith (IA)
Smith (NJ)
Snowe
Solomon
St Germain
Stark
Stokes
Studds
Tauke
Tauzin
Thomas (GA)
Towns
Vander Jagt
Weber
Whittaker
Whitten
Williams (OH)
Winn
Wolf
Wylie

NOT VOTING—69

Alexander
AuCoin
Badham
Berman
Bonker
Carney
Chappie
Cheney
Clay
Collins
Conte
Conyers
Craig
Crockett
Derrick
Dickinson
Dixon
Duncan
Florio
Foglietta
Forsythe
Frenzel
Frost
Gradison
Hansen (UT)
Harkin
Hawkins
Heftel
Holt
Howard
Jones (TN)
Kazen
Kolter
Kostmayer
Leach
Lehman (FL)
Levine
Lloyd
Long (MD)
Marlenee
Martinez
McCain
Mica
Morrison (WA)
Nielson
Panetta
Pashayan
Price
Pritchard
Pursell
Rahall
Rowland
Sabo
Schneider
Schulze
Shuster
Siljander
Simon
Sisisky
Skelton
Smith (FL)
Smith, Denny
Stratton
Torres
Traxler
Vucanovich
Weiss
Wilson
Young (AK)

□ 1620

Messrs. ROSTENKOWSKI, CLINGER, and HUGHES changed their votes from "aye" to "no."

Mr. FASCELL, Mr. GILMAN, Mrs. BOGGS, Ms. OAKAR, and Messrs. HORTON, RALPH M. HALL, VOLKMER, and SAVAGE changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. BOLAND. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The CHAIRMAN. The question is on the motion offered by the gentleman from Massachusetts (Mr. BOLAND).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 241, noes 120, not voting 71, as follows:

[Roll No. 150]

AYES—241

Ackerman
Addabbo
Akaka
Albosta
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Aspin
Barnard
Barnes
Bates
Bedell
Beilenson
Bennett
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Byron
Carper
Carr
Chappell
Clarke
Coelho
Coleman (TX)
Cooper
Coyne
D'Amours
Daschle
de la Garza
Dellums
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
English
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Flippo
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Hance
Harrison
Hatcher
Hefner
Hertel
Hightower
Horton
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jenkins
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
LaFalce
Lantos
Leath
Lehman (CA)
Leland
Levin
Levitas
Lewis (CA)
Lipinski
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Madigan
Markey
Marriott
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McKinney
McNulty
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Moody
Morrison (CT)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Patman
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Rodino
Roe
Roemer
Rose
Rostenkowski
Roukema
Roybal
Rudd
Savage
Sawyer
Scheuer
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Slattery
Smith (IA)
Smith (NE)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stenholm
Stokes
Studds
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torricelli
Towns
Udall
Valentine
Vandergriff
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NOES—120

Applegate
Archer
Bartlett
Bateman
Bereuter
Bethune
Bilirakis
Bliley
Boehlert
Broomfield
Brown (CO)
Broyhill
Burton
Campbell
Chandler
Clinger
Coats
Coleman (MO)
Conable
Corcoran
Coughlin
Courter
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
Davis
DeWine
Dreier
Edwards (OK)
Emerson
Evans (IA)
Fiedler
Fields
Fish
Franklin
Gekas
Gingrich
Goodling
Gramm
Gregg
Hall, Ralph
Hall, Sam
Hammerschmidt
Hansen (ID)
Hartnett
Hiler
Hillis
Hopkins
Hunter
Hyde
Jeffords
Kasich
Kemp
Kindness
Kramer
Lagomarsino
Latta
Lent
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lujan
Lungren
Mack
Martin (IL)
Martin (NC)
Martin (NY)
McCandless
McCollum
McDonald
McEwen
McGrath
McKernan
Michel
Molinari
Montgomery
Moore
Moorhead
Oxley
Packard
Parris
Paul
Petri
Porter
Ritter
Roberts
Robinson
Rogers
Roth
Russo
Schaefer
Sensenbrenner
Shaw
Skeen
Smith (NJ)
Smith, Robert
Snyder
Solomon
Spence
Stangeland
Stump
Sundquist
Tauke
Taylor
Thomas (CA)
Vander Jagt
Walker
Weber
Whitehurst
Whittaker
Winn
Wolf
Wortley
Wylie
Young (FL)
Zschau

NOT VOTING—71

Alexander
AuCoin
Badham
Berman
Bonker
Carney
Chappie
Cheney
Clay
Collins
Conte
Conyers
Craig
Crockett
Derrick
Dickinson
Dixon
Duncan
Florio
Foglietta
Forsythe
Frenzel
Frost
Gradison
Hansen (UT)
Harkin
Hawkins
Heftel
Holt
Howard
Jones (TN)
Kazen
Kolter
Kostmayer
Leach
Lehman (FL)
Levine
Lloyd
Marlenee
Martinez
McCain
Mica

Morrison (WA)
Nielson
Panetta
Pashayan
Price
Pritchard
Pursell
Quillen
Rahall
Rowland
Sabo
Schneider
Schroeder
Schulze
Shumway
Shuster
Siljander
Simon
Sisisky
Skelton
Smith (FL)
Smith, Denny
Stratton
Torres
Traxler
Vucanovich
Weiss
Wilson
Young (AK)

□ 1640

So the motion was agreed to.

The result of the vote was announced as above recorded.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. LEVITAS, 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. 3133) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1984, and for other purposes; had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. 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. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device and there were—yeas 216, nays 143, not voting 73, as follows:

[Roll No. 151]

YEAS—216

Ackerman
Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Aspin
Barnes
Bates
Bedell
Beilenson
Bennett
Bethune
Bevill
Biaggi
Boehlert
Boggs
Boland
Bonior
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Brown (CA)
Bryant
Carper
Carr
Chappell
Clarke
Coelho
Coleman (MO)
Coleman (TX)
Cooper
Coughlin
Courter
Coyne
D'Amours
Daschle
Davis
de la Garza
Dellums
Dicks
Dingell
Donnelly
Dowdy
Downey
Durbin
Dwyer
Dymally
Early
Edgar
Edwards (CA)
Emerson
Erdreich
Evans (IL)
Fascell
Fazio
Ferraro
Fields
Fish
Flippo
Foley
Ford (MI)
Ford (TN)
Frank
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Hamilton
Hammerschmidt
Harrison
Hatcher
Hefner
Hertel
Hightower
Horton
Howard
Hoyer
Jacobs
Jeffords
Johnson
Jones (NC)
Jones (OK)
Kaptur
Kastenmeier
Kennelly
Kildee
Kogovsek
Lantos
Lehman (CA)
Leland
Levin
Lewis (CA)
Lipinski
Long (LA)
Long (MD)
Lujan
Luken
MacKay
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
McKernan
McKinney
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Morrison (CT)
Murphy
Murtha
Natcher
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Patman
Pease
Penny
Pepper
Perkins
Pickle
Rangel
Ratchford
Reid
Richardson
Ridge
Rinaldo
Ritter
Rodino
Roe
Rose
Rostenkowski
Roukema
Roybal
Savage
Sawyer
Scheuer
Schroeder
Schumer
Seiberling
Shannon
Sharp
Shelby
Sikorski
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Taylor
Thomas (GA)
Torricelli
Towns
Udall
Valentine
Vander Jagt
Vento
Volkmer
Walgren
Watkins
Waxman
Weaver
Wheat
Whitley
Whitten
Williams (MT)
Williams (OH)
Wirth
Wise
Wolpe
Wright
Wyden
Yates
Yatron
Young (MO)
Zablocki

NAYS—143

Applegate
Archer
Barnard
Bartlett
Bateman
Bereuter
Bilirakis
Bliley
Breaux
Broomfield
Brown (CO)
Broyhill
Burton
Byron
Campbell
Chandler
Clinger
Coats
Conable
Corcoran
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Daub
DeWine
Dorgan
Dreier
Dyson
Eckart
Edwards (AL)
Edwards (OK)
English
Erlenborn
Evans (IA)
Feighan
Fiedler
Fowler
Franklin
Gekas
Gingrich
Goodling
Gramm
Gregg
Gunderson
Hall, Ralph
Hall, Sam
Hance
Hansen (ID)
Hartnett
Hiler
Hillis
Hopkins
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jenkins
Kasich
Kemp
Kindness
Kramer
LaFalce
Lagomarsino
Latta
Leath
Lent
Levitas
Lewis (FL)
Livingston
Loeffler
Lott
Lowery (CA)
Lowry (WA)
Lundine
Lungren
Mack
Madigan
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
McCandless
McCollum
McCurdy
McDonald
McEwen
McGrath
Michel
Miller (OH)
Montgomery
Moody
Moore
Moorhead
Mrazek
Myers
Neal
Nichols
O'Brien
Oxley
Packard
Parris
Patterson
Paul
Petri
Porter
Ray
Regula
Roberts
Robinson
Roemer
Rogers
Roth
Rudd
Russo
Schaefer
Sensenbrenner
Skeen
Slattery
Smith, Robert
Snyder
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Tauke
Tauzin
Thomas (CA)
Vandergriff
Walker
Weber
Whitehurst
Whittaker
Winn
Wolf
Wylie
Young (FL)
Zschau

NOT VOTING—73

AuCoin
Badham
Berman
Boner
Bonker
Carney
Chappie
Cheney
Clay
Collins
Conte
Conyers
Craig
Crockett
Derrick
Dickinson
Dixon
Duncan
Florio
Foglietta
Forsythe
Frenzel
Frost
Gradison
Hansen (UT)
Harkin
Hawkins
Heftel
Holt
Jones (TN)
Kazen
Kolter
Kostmayer
Leach
Lehman (FL)
Levine
Lloyd
Marlenee
Martinez
McCain
McNulty
Mica
Morrison (WA)
Nelson
Nielson
Panetta
Pashayan
Price
Pritchard
Pursell
Quillen
Rahall
Rowland
Sabo
Schneider
Schulze
Shaw
Shumway
Shuster
Siljander
Simon
Sisisky
Skelton
Smith (FL)
Smith, Denny
Stratton
Torres
Traxler
Vucanovich
Weiss
Wilson
Wortley
Young (AK)

□ 1700

The Clerk announced the following pairs:

On this vote:

Mr. Rowland for, with Mrs. Vucanovich against.

Mr. Sisisky for, with Mr. Nielson of Utah against.

Mr. Rahall for, with Mr. Craig against.

Mr. Hawkins for, with Mr. Siljander against.

Mr. Derrick for, with Mr. Frenzel against.

Mr. Nelson of Florida for, with Mr. Badham against.

Mrs. Collins for, with Mr. McCain against.

Mr. Florio for, with Mr. Hansen of Utah against.

Mr. Bonker for, with Mr. Cheney against.

Mrs. Schneider for, with Mr. Chappie against.

Mr. FRANKLIN changed his vote from "yea" to "nay."

Mr. DURBIN 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.

PERSONAL EXPLANATION

● Mr. OBERSTAR. Mr. Speaker, I was unavoidably absent from the House during the rollcall vote this morning on the motion of the House to resolve itself into the Committee of the Whole House for the consideration of H.R. 3133, HUD-independent agencies appropriations. Had I been present I would have voted present. The House approved the motion by a vote of 324 to 2.

REPORT ON H.R. 3191, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1984

Mr. ROYBAL, from the Committee on Appropriations, submitted a privileged report (Rept. No. 98-229) on the bill (H.R. 3191), making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1984, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MILLER of Ohio reserved all points of order on the bill.

REQUEST TO MAKE IN ORDER CONSIDERATION OF H.R. 3191, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATION BILL, 1984

Mr. ROYBAL. Mr. Speaker, I ask unanimous consent that it be in order to consider the bill (H.R. 3191) making appropriations for the Department of the Treasury, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1984, and for other purposes, section 303(a) of Public Law 93-344 to the contrary notwithstanding.

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

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

LEGISLATIVE PROGRAM

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

Mr. LOTT. Mr. Speaker, I ask for this 1 minute for the purpose of talking with regard to the schedule. A lot of Members are inquiring about the schedule for the rest of the day and since there had been some confusion about whether or not we are going to have votes tomorrow or not, and what the schedule is for the rest of the day, perhaps we could receive the schedule for next week, too.

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

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

Mr. WRIGHT. I thank the gentleman for yielding.

At this time we would expect to take up the legislative appropriation bill. We would like to finish that tonight. If we do not finish it tonight, we will conclude it tomorrow.

Tomorrow we will convene at 10 a.m. and adjourn by 3 p.m.

If we are able to complete action on the legislative appropriation bill and time remains, we will take up H.R. 2915, the State Department and related agencies authorization bill for fiscal 1984 and 1985.

In any event, we would expect to finish by 3 o'clock tomorrow.

On Monday, we come in at noon. We have seven suspensions, but we will postpone votes on those suspensions until the completion of legislative business Monday.

There still remains one suspension on which we need to vote before we conclude today. We had put it off until the last part of today's session and that is the suspension on the bill debated yesterday, S. 639, the Lebanon Emergency Assistance Act.

Mr. LOTT. It is anticipated that that vote would not occur until after consideration and completion of the legislative appropriation?

Mr. WRIGHT. After consideration of the legislative appropriation bill.

Then on Monday after we have debated the seven suspensions, we would begin the energy and water appropriations bill, and complete its consideration on Tuesday.

On Wednesday and the balance of the week, we would take up State, Justice appropriations; Treasury-Postal appropriations; and Agriculture appropriations.

We would adjourn by 3 p.m. on Friday, coming in at 10 a.m. on Wednesday, Thursday, and Friday. If we are able to complete this schedule, we will have completed six of the regular departmental appropriations bills by the end of next week.

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

Mr. LOTT. I yield to the gentleman from Indiana.

Mr. MYERS. I thank the gentleman for yielding.

Mr. Speaker, did I understand the gentleman to say energy and water would come up on Monday for general debate? It was my understanding it would not come up until Tuesday.

Mr. WRIGHT. Well, it has been changed. It will be started on Monday and completed on Tuesday.

Mr. MYERS. Which changed copy does the gentleman have?

Mr. WRIGHT. I have the most recently revised schedule which calls for consideration of the energy and water appropriation bill on Monday and its conclusion on Tuesday.

The committee requested this change. This was not a change engineered at the whim of the majority leader.

Mr. MYERS. Is there any possibility that the gentleman cannot read the writing on there.

Mr. WRIGHT. That is altogether possible.

Mr. LOTT. The State-Justice and Commerce appropriation bill would then be scheduled to come up Tuesday or Wednesday?

Mr. WRIGHT. The State-Justice appropriations bill would come Wednesday.

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Mr. LOTT. And we do expect to go ahead and complete legislative branch appropriations tonight; is that correct?

Mr. WRIGHT. That would be our fond hope.

Mr. LOTT. And it is clear, then, that we can expect, in all likelihood, to have votes tomorrow, on Friday?

Mr. WRIGHT. Yes. I do not see any way to avoid that, if we are to stay on our schedule. Votes tomorrow either in completion of the legislative branch appropriation bill or, if we have completed it this evening, then votes on the State Department authorization bill tomorrow.

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

Mr. LOTT. I yield to the gentleman from Pennsylvania.

Mr. EDGAR. Mr. Speaker, I wonder if the gentleman could indicate, on energy and water appropriations, whether or not amendments would be under consideration on Monday, or just general debate?

Mr. WRIGHT. If the gentleman will yield, I do not have any clear guidance on that from the committees. I would presume that there is 1 hour of general debate and that we would expect to begin consideration of amendments on Monday, time permitting.

Mr. EDGAR. I thank the gentleman.

Mr. LOTT. Mr. Speaker, I would ask the gentleman to respond to one other question that I hear a number of Members asking: Do we have any idea of how late it is anticipated the House will be in session tonight, in view of the fact that we are taking up legislative branch appropriations? There are, apparently, some amendments pending that will be debated and voted on, plus we have this additional remaining suspension bill that has been carried over. I know a lot of Members would like to know that. Some of them have actually planned to leave tonight, up until this change in schedule for tomorrow was announced.

Mr. WRIGHT. Mr. Speaker, I wish I could give the gentleman a very clear and dependable answer. There has been some discussion with the subcommittee chairman who is managing this bill. He believes that it can be handled very expeditiously. If that turns out not to be the case, then the Committee will rise at a reasonable hour. I do not want to give a specific hour because that encourages dilatory tactics, if there be any so inclined. It also frustrates the efforts of those who might find it possible to complete the bill if we were able to stay for 15 more minutes. So let us just stay with it in time and see how we do, and if we do not show signs of progress, then we will

rise at a fairly reasonable hour. We do not expect to be here more than a couple more hours.

Mr. LOTT. There is no chance the House will vote on the suspension before we go to the legislative branch appropriation bill?

Mr. WRIGHT. No; I do not think so. I think the plan is that the legislative branch appropriation bill will be taken up immediately.

Mr. LOTT. I thank the gentleman.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces that he trusts the majority leader would give in full the schedule for next week during tomorrow's session, in the event there would be any changes.

GENERAL LEAVE

Mr. FAZIO. 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. 3135, and that I may be permitted to include extraneous and tabular material.

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

There was no objection.

LEGISLATIVE BRANCH APPROPRIATIONS, 1984

Mr. FAZIO. 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. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from California (Mr. LEWIS) and myself.

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

There was no objection.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3135, with Mr. DE LA GARZA in the Chair.

The Clerk read the title of the bill.

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

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

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

Mr. FAZIO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is a privilege for me to present the legislative branch appropriation bill for fiscal year 1984 to the House. At the outset, I would like to express my thanks to the other members of the subcommittee for their help and support throughout the hearings and markup process. The members of the subcommittee have included Mr. OBEY of Wisconsin, Mr. MURTHA of Pennsylvania, Mrs. BOGGS of Louisiana, Mr. HIGHTOWER of Texas, Mr. TRAXLER of Michigan, Mr. LEWIS of California, who has been very helpful in his position as ranking minority member, Mr. CONTE of Massachusetts, the ranking minority member of the full Appropriations Committee, Mr. MYERS of Indiana, Mr. PORTER of Illinois, and of course, Mr. WHITTEN of Mississippi, who as chairman of the Committee on Appropriations, is an ex-officio member of the subcommittee.

RECOMMENDATIONS FOR FISCAL YEAR 1984

Mr. Chairman, the bill we are considering today contains appropriations for fiscal year 1984 totaling $1,210,644,200, of which $719,926,200 is for congressional operations. These figures exclude appropriations for the operation of the Senate in accord with the long-term practice under which each body determines its own housekeeping requirements.

The budget requests considered by the committee totaled $1,227,335,200. The recommendation is $16,691,000 less than was requested.

The overall appropriations recommended are only $3,721,937 over the amounts appropriated in fiscal year 1983, the current year level, which includes the amounts in the House passed supplemental. This is less than 1 percent above the current level of legislative branch funding for fiscal year 1983. If you consider inflation—and the current rate is about 5 percent—we have actually reduced the size of the legislative budget. In the face of constant inflation over the past several years, this budget is far below the amount necessary to keep up with the pace of increases in prices and wages.

In general, very few increases for workload expansion have been allowed, and then only when the work of the Congress has so required or where we are trying to protect the taxpayers' investment in legislative branch resources. It has been the general policy of the Committee to provide the funds necessary for employee cost-of-living pay raises and other mandatory items and for a selected number of the increases made necessary because of rising prices. These increases have been largely offset by reductions in workload expansion, equipment, alterations, repairs, and in the effects of legislation.

We have allowed only 33 of 103 new jobs requested, but other cuts in the employment base will enable us to end up with 18 less jobs in the legislative branch than we now have authorized.

But I believe we have been careful to insure that the essential operations necessary to support the Congress have been preserved.

This is virtually the same budget as last year. The increase over the current fiscal year 1983 level is only three-tenths of 1 percent.

And this is not just a 1-year phenomenon, Mr. Chairman. Since 1979 the legislative branch appropriation has grown at an annual rate of only 5.3 percent, while the Federal budget has grown at an 11.6 percent rate—all this during a time when annual inflation has been 8 percent. The Federal budget has been growing at a rate over twice as fast as the legislative branch budget. In the meantime, our budget has declined in real growth.

Mr. Chairman, we can again tell the taxpayers that the legislative branch is participating completely—as a matter of fact we are showing the way—in the process of fiscal restraint. Every Member of this body can report to his constituents that fiscal responsibility begins at home—here in the Halls of Congress.

At this point in the RECORD under permission which I have already obtained, I will insert a tabulation detailing the committee recommendations in comparative form:

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 3135)

	Fiscal year 1983 enacted plus supplemental [1]	Fiscal year 1984 estimates	Committee recommendation	House bill compared with— Enacted	House bill compared with— Estimates
TITLE I—CONGRESSIONAL OPERATIONS					
HOUSE OF REPRESENTATIVES					
Payments to Widows and Heirs of Deceased Members of Congress					
Gratuities, deceased Members	$200,263			−$200,263	
Mileage of Members					
Mileage of Members	210,000	$210,000	$210,000		
House Leadership Offices					
Office of the Speaker	717,000	721,000	721,000	+4,000	
Office of the Majority Floor Leader	589,000	594,000	594,000	+5,000	
Office of the Minority Floor Leader	659,000	667,000	667,000	+8,000	
Office of the Majority Whip	514,000	548,000	548,000	+34,000	
Office of the Minority Whip	444,000	475,000	475,000	+31,000	
Total, House leadership offices	2,923,000	3,005,000	3,005,000	+82,000	
Salaries, Officers and Employees					
Office of the Clerk	12,268,000	12,502,000	12,502,000	+234,000	
Office of the Sergeant at Arms	16,911,000	17,173,000	17,173,000	+262,000	
Office of the Doorkeeper	6,162,000	6,185,000	6,185,000	+23,000	
Office of the Postmaster	1,838,000	1,845,000	1,845,000	+7,000	
Office of the Chaplain	66,000	68,000	68,000	+2,000	
Office of the Parliamentarian	525,000	575,000	575,000	+50,000	
Office of the Parliamentarian	(323,300)	(368,000)	(368,000)	(+44,700)	
Compilation of precedents of the House of Representatives	(201,700)	(207,000)	(207,000)	(+5,300)	
Office of the Law Revision Counsel	750,000	741,000	741,000	−9,000	
Office of the Legislative Counsel	2,743,000	3,085,000	3,085,000	+342,000	
House Democratic Steering Committee and Caucus	539,000	542,000	542,000	+3,000	
House Democratic Steering Committee	(411,000)	(413,000)	(413,000)	(+2,000)	
House Democratic Caucus	(128,000)	(129,000)	(129,000)	(+1,000)	
House Republican Conference	539,000	542,000	542,000	+3,000	
Six minority employees	394,000	404,000	404,000	+10,000	
Other authorized employees	977,000	977,000	977,000		
Technical assistant, Office of the Attending Physician	(42,000)	(42,000)	(42,000)		
L.B.J. Interns and Former Speakers' staff	(847,000)	(847,000)	(847,000)		
Miscellaneous items	(88,000)	(88,000)	(88,000)		
Total, salaries, officers and employees	43,712,000	44,639,000	44,639,000	+927,000	
Committee Employees					
Professional and clerical employees (standing committees)	33,709,000	34,734,000	34,734,000	+1,025,000	
Committee on Appropriations (Studies and Investigations)					
Salaries and expenses	3,750,000	3,700,000	3,700,000	−50,000	
Committee on the Budget (Studies)					
Salaries and expenses	276,000	299,000	299,000	+23,000	
Members' Clerk Hire					
Clerk hire	149,919,000	150,233,000	150,233,000	+314,000	
Contingent Expenses of the House					
Allowances and Expenses					
Official expenses of Members	57,737,000	67,200,000	67,200,000	+9,463,000	
Supplies, materials, administrative costs and Federal tort claims	8,337,000	9,208,000	9,208,000	+871,000	
Furniture and furnishings	1,250,000	985,000	985,000	−265,000	
Reporting hearings	700,000	850,000	700,000		−$150,000
Reemployed annuitants reimbursement	2,300,000	2,300,000	2,300,000		
Government contributions	20,348,000	22,349,000	22,349,000	+2,001,000	
Miscellaneous items	500,000	500,000	500,000		
Total, allowances and expenses	91,172,000	103,392,000	103,242,000	+12,070,000	−150,000
Special and Select Committees					
Salaries and expenses	42,000,000	44,000,000	44,000,000	+2,000,000	
Total, contingent expenses of the House	133,172,000	147,392,000	147,242,000	+14,070,000	−150,000
Total, House of Representatives	367,871,263	384,212,000	384,062,000	+16,190,737	−150,000
JOINT ITEMS					
Contingent Expenses of the Senate					
Joint Economic Committee	2,387,000	2,487,000	2,437,000	+50,000	−50,000
Joint Committee on Printing	855,000	855,000	855,000		
Total, contingent expenses of the Senate	3,242,000	3,342,000	3,292,000	+50,000	−50,000
Contingent Expenses of the House					
Joint Committee on Taxation	3,377,000	3,395,000	3,395,000	+18,000	

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 3135)—Continued

	Fiscal year 1983 enacted plus supplemental [1]	Fiscal year 1984 estimates	Committee recommendation	House bill compared with—	
				Enacted	Estimates
Office of the Attending Physician					
Medical supplies, equipment, expenses, and allowances	652,000	653,200	653,200	+1,200	
Capitol Police					
General expenses	945,000	1,612,000	1,612,000	+667,000	
Capitol Police Board		213,000	213,000	+213,000	
Total, Capitol Police	945,000	1,825,000	1,825,000	+880,000	
Education of Pages					
Education of congressional pages and pages of the Supreme Court	293,000	295,000	295,000	+2,000	
Official Mail Costs					
Expenses	93,161,000	107,077,000	107,077,000	+13,916,000	
Capitol Guide Service					
Salaries and expenses	765,000	775,000	775,000	+10,000	
Statements of Appropriations					
Preparation	13,000	13,000	13,000		
Total, joint items	102,448,000	117,375,200	117,325,200	+14,877,200	−50,000
OFFICE OF TECHNOLOGY ASSESSMENT					
Salaries and expenses	13,019,000	14,600,000	13,933,000	+914,000	−667,000
CONGRESSIONAL BUDGET OFFICE					
Salaries and expenses	15,094,000	16,751,000	16,300,000	+1,206,000	−451,000
ARCHITECT OF THE CAPITOL					
Office of the Architect of the Capitol					
Salaries	4,518,000	4,829,000	4,806,000	+288,000	−23,000
Contingent expenses	210,000	210,000	210,000		
Total, Office of the Architect of the Capitol	4,728,000	5,039,000	5,016,000	+288,000	−23,000
Capitol Buildings and Grounds					
Capitol buildings	10,098,000	11,100,000	10,568,000	+470,000	−532,000
Capitol grounds	4,961,000	3,199,000	3,199,000	−1,762,000	
Acquisition of property as an addition to the Capitol grounds	4,500,000			−4,500,000	
House office buildings	20,842,000	22,181,000	21,361,000	+519,000	−820,000
Capitol Power Plant (operation)	23,150,000	23,867,000	23,792,000	+642,000	−75,000
Total, Capitol buildings and grounds	63,551,000	60,347,000	58,920,000	−4,631,000	−1,427,000
Total, Architect of the Capitol (except items in titles II and III)	68,279,000	65,386,000	63,936,000	−4,343,000	−1,450,000
LIBRARY OF CONGRESS					
Congressional Research Service					
Salaries and expenses	35,240,000	38,950,000	37,790,000	+2,550,000	−1,160,000
GOVERNMENT PRINTING OFFICE					
Congressional printing and binding	81,747,000	89,537,000	86,580,000	+4,833,000	−2,957,000
Total, title I—Congressional Operations	683,698,263	726,811,200	719,926,200	+36,227,937	−6,885,000
TITLE II—OTHER AGENCIES					
BOTANIC GARDEN					
Salaries and expenses	1,897,000	2,043,000	2,018,000	+121,000	−25,000
LIBRARY OF CONGRESS					
Salaries and expenses	130,740,000	134,298,000	130,728,000	−12,000	−3,570,000
Authority to spend receipts	−6,500,000	−4,300,000	−4,300,000	+2,200,000	
Net, salaries and expenses	124,240,000	129,998,000	126,428,000	+2,188,000	−3,570,000
Copyright Office, salaries and expenses	15,657,000	16,199,000	16,181,000	+524,000	−18,000
Authority to spend receipts	−5,000,000	−5,200,000	−5,200,000	−200,000	
Net, Copyright Office, salaries and expenses	10,657,000	10,999,000	10,981,000	+324,000	−18,000
Books for the blind and physically handicapped, salaries and expenses	33,384,000	35,691,000	35,099,000	+1,715,000	−592,000
Collection and distribution of library materials (special foreign currency program):					
Payments in Treasury-owned foreign currencies	3,976,000	3,976,000	2,476,000	−1,500,000	−1,500,000
U.S. dollars	462,000	486,000	486,000	+24,000	
Total, collection and distribution of library materials	4,438,000	4,462,000	2,962,000	−1,476,000	−1,500,000
Furniture and furnishings	1,226,000	1,657,000	1,524,000	+298,000	−133,000
Total, Library of Congress (except Congressional Research Service)	173,945,000	182,807,000	176,994,000	+3,049,000	−5,813,000

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY—LEGISLATIVE BILL (H.R. 3135)—Continued

	Fiscal year 1983 enacted plus supplemental [1]	Fiscal year 1984 estimates	Committee recommendation	House bill compared with—	
				Enacted	Estimates
ARCHITECT OF THE CAPITOL					
Congressional cemetery	300,000			−300,000	
Library Buildings and Grounds					
Structural and mechanical care	5,151,000	5,260,000	5,230,000	+79,000	−30,000
COPYRIGHT ROYALTY TRIBUNAL					
Salaries and expenses	626,000	650,000	650,000	+24,000	
Authority to spend receipts	−157,000	−170,000	−455,000	−298,000	−285,000
Net, salaries and expenses	469,000	480,000	195,000	−274,000	−285,000
GOVERNMENT PRINTING OFFICE					
Printing and binding	12,791,000	14,571,000	13,420,000	+629,000	−1,151,000
Office of Superintendent of Documents, salaries and expenses	27,291,000	25,738,000	25,700,000	−1,591,000	−38,000
Total, Government Printing Office (except congressional printing and binding)	40,082,000	40,309,000	39,120,000	−962,000	−1,189,000
GENERAL ACCOUNTING OFFICE					
Salaries and expenses	252,380,000	269,625,000	267,161,000	+14,781,000	−2,464,000
Total, title II—other agencies	474,224,000	500,524,000	490,718,000	+16,494,000	−9,806,000
TITLE III—CAPITAL IMPROVEMENTS					
ARCHITECT OF THE CAPITOL					
West Central Front of the Capitol	49,000,000			−49,000,000	
Grand total, New budget (obligational) authority	1,206,922,263	1,227,335,200	1,210,644,200	+3,721,937	−16,691,000
RECAPITULATION					
Title I—Congressional Operations	683,698,263	726,811,200	719,926,200	+36,227,937	−6,885,000
Title II—Other Agencies	474,224,000	500,524,000	490,718,000	+16,494,000	−9,806,000
Total, titles I and II	1,157,922,263	1,227,335,200	1,210,644,200	+52,721,937	−16,691,000
Title III—Capital improvements	49,000,000			−49,000,000	
TITLE I—CONGRESSIONAL OPERATIONS					
House of Representatives	367,871,263	384,212,000	384,062,000	+16,190,737	−150,000
Joint Items	102,448,000	117,375,200	117,325,200	+14,877,200	−50,000
Office of Technology Assessment	13,019,000	14,600,000	13,933,000	+914,000	−667,000
Congressional Budget Office	15,094,000	16,751,000	16,300,000	+1,206,000	−451,000
Architect of the Capitol (except Library buildings and grounds, Congressional cemetery and West Central Front)	68,279,000	65,386,000	63,936,000	−4,343,000	−1,450,000
Congressional Research Service, Library of Congress	35,240,000	38,950,000	37,790,000	+2,550,000	−1,160,000
Congressional printing and binding, Government Printing Office	81,747,000	89,537,000	86,580,000	+4,833,000	−2,957,000
Total, title I—congressional operations	683,698,263	726,811,200	719,926,200	+36,227,937	−6,885,000
TITLE II—OTHER AGENCIES					
Botanic Garden	1,897,000	2,043,000	2,018,000	+121,000	−25,000
Library of Congress (except Congressional Research Service)	173,945,000	182,807,000	176,994,000	+3,049,000	−5,813,000
Architect of the Capitol (Library buildings and grounds, and Congressional cemetery)	5,451,000	5,260,000	5,230,000	−221,000	−30,000
Copyright Royalty Tribunal	469,000	480,000	195,000	−274,000	−285,000
Government Printing Office (except congressional printing and binding)	40,082,000	40,309,000	39,120,000	−962,000	−1,189,000
General Accounting Office	252,380,000	269,625,000	267,161,000	+14,781,000	−2,464,000
Total, title II—other agencies	474,224,000	500,524,000	490,718,000	+16,494,000	−9,806,000
TITLE III—CAPITAL IMPROVEMENTS					
Architect of the Capitol (West Central Front)	49,000,000			−49,000,000	
Grand total, new budget (obligational) authority	1,206,922,263	1,227,335,200	1,210,644,200	+3,721,937	−16,691,000

[1] Enacted to date; includes House-passed supplementals (H.R. 3069).

REVENUE ACTIVITIES

The Members may be interested to know there are a number of revenue activities within the legislative branch which will return over $96 million before expenses to the Federal Government during fiscal year 1983. Included in this estimate is $2 million to the Capitol powerplant in reimbursements for heating and air-conditioning, $9.5 million from copyright fees and the sale of catalog cards and publications by the Library of Congress, $7.5 million in gift and trust fund income, $64 million from the sale of Government documents through the Office of the Superintendent of Documents, and $13.1 million from various other reimbursable activities at the Library of Congress and Copyright Royalty Tribunal. Savings attributable to General Accounting Office activities total approximately $5.9 million, which also have an offsetting effect on total Federal finances.

MAJOR ITEMS IN BILL

TITLE I—CONGRESSIONAL OPERATIONS

The bill provides a total of $719,926,200 for fiscal year 1984 for seven major areas of congressional or direct congressional support activity. These include the House of Representatives, joint items, the Office of Technology Assessment, the Congressional Budget Office, the Architect of the Capitol—except Senate and Library buildings and grounds—the Congressional Research Service, and congressional printing and binding.

HOUSE OF REPRESENTATIVES AND JOINT ITEMS

The allowance of $510,387,200 for the House and joint items for 1984 includes an amount of $384,062,000 for the operations of the House itself.

RECOMMENDED REDUCTIONS

The total recommendation for congressional operations is $6,885,000 less than was requested. Included in this decrease is: a reduction of $150,000 in funding requested for the contingent

expenses of the House—due to improvements in the official transcribing of committee hearings; a markdown of $50,000 in the Joint Economic Committee budget; a reduction of $667,000 under the request of the Office of Technology Assessment; $451,000 less than requested by the Congressional Budget Office; the deferral of certain projects and other downward adjustments totaling $1,427,000 in the budget of the Architect; a reduction of $1,160,000 for the operation of the Congressional Research Service; and a reduction of $2,957,000 in congressional printing and binding.

TITLE II—OTHER AGENCIES

A total of $490,718,000 is recommended for the six agencies carried in title II of the bill. This allowance is an increase of $16,494,000—only 3.5 percent—over the current level of appropriations and $9,806,000 less than requested.

The agencies that are included in this title of the bill and the amounts recommended are as follows: First, Botanic Garden, $2,018,000; second, Library of Congress—except the Congressional Research Service—$176,994,000; third, Architect of the Capitol Library buildings and grounds, $5,230,000; fourth, Copyright Royalty Tribunal, $195,000; fifth, Government Printing Office—except congressional printing and binding—$39,120,000; and sixth, General Accounting Office, $267,161,000.

Mr. Chairman, I will not attempt to discuss all of the recommendations made by the committee for the various agencies funded in this title of the bill, but I would like to mention a few. Our general policy has been to provide only the resources necessary to maintain activities at the current level and to fund mandatory increases. Only 33 of the 103 new permanent staff requested have been allowed. In addition, a reduction of 51 positions under current staffing has been made. Thus, there will be a reduction in the legislative branch employment base of 18 positions. Overall, we have actually reduced the level provided by 121 positions under the prospective level for fiscal year 1984.

We have allowed $1,300,000 to continue a program to preserve Library of Congress collections using mass deacidification and optical disk techniques. These techniques will benefit libraries, archives, and collections of vast amounts of paper documents everywhere. Resurfacing of the East Plaza and roadways are provided as are various other repairs to the Capitol and House office buildings. Additional personnel at Congressional Research Service will be used to increase the ability of that agency to respond to the needs of the Members, and several positions were provided to the Library of Congress for services needed to improve public access to the collections.

TITLE III—GENERAL PROVISIONS

Section 304 reduces the legal salaries of the Members of Congress and certain other high-level Government executives, primarily executive levels I, II, and III and comparable officials such as Cabinet officers, deputy, under, and assistant secretaries, and heads of non-Cabinet agencies, to the salary rates currently being paid—except for Senators who were covered by a special exemption to the December 1983 cost-of-living adjustment. This will preclude the possibility of prospective $7,000-$10,000 salary increases for the positions which would ordinarily ensue because these salaries have been capped for several years and have not been adjusted for each annual cost-of-living increase provided to all Federal employees and officials under the law. By reducing the so-called legal rate of these salaries to the—lower—salaries actually being paid, the Members and other officials will forego any possibility of catch up to the salaries otherwise due under the cost-of-living adjustment statutes. The so-called asterisked rates in the general schedule are not affected by the language in the bill. They will continue to be covered by 5 U.S.C. 5308, and related statutes.

Section 304 applies to individuals in all three branches. The General Accounting Office has informally estimated that the legal salary rate reduction will apply to 819 positions broken down as follows:

Executive branch	254
Legislative branch	565

CONCLUSION

Mr. Chairman, these are the highlights of the fiscal year 1984 legislative branch appropriation bill. The committee report explains our actions in much more detail, and is available to all Members of the House.

The committee has little discretion as far as the amounts for the House and the joint items of the Congress are concerned. Salaries, allowances, and expenses of the Members, special and select committee funding, and other items have been approved by the House and are already in effect through the adoption of House resolutions from the Committee on House Administration. Where the committee has discretion, it has been exercised.

As I noted earlier in my remarks, the committee is recommending an overall reduction under the budget of $16,691,000 and only 33 of the 103 new positions requested have been allowed. We are reducing the employment base.

We have no apologies to make in voting for this budget, Mr. Chairman.

This is a good bill and one I think all the Members can support and identify with during this period of extreme budget austerity.

I recommend that it be approved.

Mr. LEWIS of California. Mr. Chairman, I yield my self such time as I may consume.

Mr. Chairman, first, let me say for the record that indeed it has been a pleasure for me in this first year as ranking minority member of the committee to work with my chairman, the gentleman from California (Mr. FAZIO), and the other leaders of the House who participate in this committee. I would like to say, Mr. Chairman, that in support of this measure the House should recognize that this bill recommends a total of $1,210,644,000 in new budget authority. I am pleased to report that this bill is $16,691,000 less than was requested.

□ 1720

The bill, if the pending supplementals reported to the House are included in the fiscal year 1983 figure, reflects a reduction of $17,778,063 under the 1983 level.

This bill was passed unanimously by the subcommittee first, and by the full Committee on Appropriations. It is important to note that this bill does not keep up with the cost of inflation, and as my chairman has indicated, it therefore is a decline in terms or real cost to the budget.

At this moment, if we reflect the full 1983 appropriation plus the supplemental, this bill does not even maintain a level that reflects a 5-percent adjustment in inflation; indeed, the growth is approximately 1.4 percent.

I believe it is also important to note that while many people tend to point at this bill and take shots at it in terms of it reflecting the cost of operating the House, only approximately 40 percent of the bill is reflected in those costs. The balance represents very important elements of our Government and support organizations for the people's house, organizations such as the Library of Congress, organizations such as GAO, the Government Printing Office, et cetera.

Mr. Chairman, I yield back the balance of my time.

Mr. FAZIO. Mr. Chairman, since I have no requests for time in the general debate at this time, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $44,639,000, including: Office of the Clerk, $12,502,000; Office of the Sergeant at Arms, including overtime, as authorized by law, $17,173,000; Office of the Doorkeeper, including overtime, as authorized by law, $6,185,000; Office of the Postmaster, $1,845,000, including $36,205 for employment of substitute messengers and extra services of regular employees when required at the salary rate of not to exceed $15,123 per annum each; Office of the Chaplain, $68,000; Office of the Parliamentarian, in-

cluding the Parliamentarian and $2,000 for preparing the Digest of Rules, $575,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $741,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $3,085,000; six minority employees, $404,000; the House Democratic Steering Committee and Caucus, $542,000; the House Republican Conference, $542,000; and Other Authorized Employees, $977,000.

Such amounts as are deemed necessary for the payment of salaries of officers and employees under this head may be transferred between the various offices and activities within this appropriation, "Salaries, Officers and Employees", upon the approval of the Committee on Appropriations of the House of Representatives.

Mr. FAZIO (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

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

Mr. GREGG. Mr. Chairman, reserving the right to object, I would like to ask the chairman if he intends to cut off debate at this time.

Mr. FAZIO. If the gentleman will yield, I have no plans at this time to cut off debate. I am hopeful we can make progress on the bill. I think that many of the amendments are the kind that we could dispose of without a lengthy debate, but again, I think we understand there will be votes tomorrow, so there is no point in attempting to cut off debate.

I would like to proceed and try to finish tonight if possible, but I have no present intention to limit debate.

Mr. GREGG. Mr. Chairman, I would have to object at this time. I think we should proceed along further, before we grant a unanimous-consent request of this type, to see whether or not there are some amendments.

The CHAIRMAN. Objection is heard.

The Clerk will read.

The Clerk read as follows:

COMMITTEE EMPLOYEES

For professional and clerical employees of standing committees, including the Committee on Appropriations and the Committee on the Budget, $34,734,000.

AMENDMENT OFFERED BY MR. WALKER

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

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 3, line 22, strike out "$34,734,000" and insert in lieu thereof "$33,636,750".

Mr. WALKER. Mr. Chairman, we have had a lot of discussion over recent weeks on the floor about the kind of deficits that we are running up in Government and the kinds of money that is being spent. Often the criticism is made of the President of the United States. Right now we are discussing the operations of this body and we ought to discuss what we are doing in terms of adding to the deficit in the moneys that we spend as well.

The amendment that I am offering would save us some money, but an important amount of money, it seems to me. It would save us $1.1 million in the spending in this bill. Why offer this amendment, and why this particular section?

One of the criticisms of this Congress has been that over the last several years we have seen an escalation in the numbers of people who are serving on committee staffs. We have seen the support staff in the committees of this body increase astronomically. This is one of the places where large amounts of funding are spent on activities that directly relate to the work of the Members of this particular body.

So it seemed to me that while some growth in that particular area might be justified, that we should not justify an 8-percent increase in overall spending between last year and this year at a time when inflation is running at about 3 percent or less; that a reasonable kind of figure would be to at least stay within the historic amounts of increase that we have had over the last 5 years.

When I go back and take a look at the budgets allocated for committee staff over the last 5 years, I find that they have grown over that 5-year period by about 26 percent. That averages out to about 5 percent a year, so, therefore, what I am offering is an amendment that says we ought to increase this year's budget by only 5 percent. That would save us $1.1 million. It would be $1.1 million that the taxpayer would not have to spend for the operation of the Congress. It would be $1.1 million that would not be added onto the deficit of the country. And yet it would still allow us, it seems to me, to operate our committee staffs and to operate this body in a totally adequate manner.

So what my amendment would do is, in place of the $34,734,000 the committee has proposed for spending on committee staffs next year, instead I would make that $33,636,750 and thereby save a little bit of money in the House operation.

Mr. Chairman, I would ask the adoption of this savings amendment.

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

First of all, I think it is important to point out that at least in the brief time I have had the opportunity to peruse this amendment, there seems to be some confusion as to what the 1983 level actually is. The level that I believe was cited by the gentleman from Pennsylvania neglected to include the supplemental which has passed this body and is moving in the other body.

Adding that figure to the 1983 appropriation already enacted, is the only fair way to really judge what the increase would be from 1 year to the next. Comparing fiscal year 1983 and fiscal year 1984, the figure in the bill we have presented would be about a 3-percent increase. Therefore, we are far below the 5-percent figure the gentleman says he is attempting to reach, and certainly nowhere near the 8-percent figure that he implies we have attempted to accomplish through the enactment of this bill.

During the period 1980 to 1983, the House has reduced the number of staff people who work for committees in this body by 143 people. We have made, as I have indicated, a significant net staffing reduction in the legislative branch in this very bill. We are continuing to hold down the number of jobs that exist in the legislative branch. There will be 18 less jobs in the legislative branch after this bill is enacted than there were before, and last year we also reduced the number of jobs in the legislative branch.

So I think both from the standpoint of our addressing of the overall issues of overstaffing throughout this branch of Government, as well as specifically within congressional operations, we have absolutely nothing to be concerned about.

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

Mr. FAZIO. I am happy to yield to the gentleman from Louisiana.

Mr. ROEMER. I thank the gentleman for yielding.

Mr. Chairman, I appreciate the gentleman's statement, and just for a point of clarification, in your original presentation you pointed out to the House that although there is an increase in this budget, it is a relatively modest one, given the duties of the House.

Mr. FAZIO. Slightly over 1 percent.

Mr. ROEMER. Right. And you object to the amendment of the gentleman from Pennsylvania, saying that the net effect would be a 3-percent increase rather than the 5-percent increase.

□ 1730

The gentleman points out that the number of personnel in the House staff has gone down. If that is true, where is the additional money going?

Mr. FAZIO. Mr. Chairman, we may, of course, pay some of our personnel more through the process of merit raises, as well as salary adjustments because of cost-of-living increases. I was going back over a 3-year span, too, when I talked about the reduction in the number of employees in the legislative branch.

But I think the most important thing to reiterate is that we are talking about less than a 5-percent increase. When we total the 1983 fiscal year bill and the supplementals, we are not talking about an 8-percent in-

crease; we are well below the 5 percent the gentleman indicates he is hoping to accomplish through this amendment.

Mr. ROEMER. Mr. Chairman, I thank the gentleman from California (Mr. FAZIO).

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

Mr. FAZIO. I yield to the gentleman from Pennsylvania.

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

I guess to some extent I plead guilty to the charge of comparing this appropriation with last year's first appropriation rather than with the supplementals that were approved, and if indeed that amounts to a 3-percent rather than a 5-percent increase, again I guess I plead guilty to that.

My problem with the whole procedure as outlined by the gentleman is that I have got some problem with the idea of supplementals, and particularly around here we ought to be able to pretty much say what it is we are going to spend in this body.

We constantly blame the supplementals that we have passed in other appropriations on the fact that the administration requests them, and we sometimes indicate that that is almost resulting from mismanagement on their part. Here is a case where I do not think we ought to be working with supplementals, and maybe the place to start is by ignoring last year's supplemental and going back to the original appropriation and basing this year's appropriation on that. Maybe I would feel somewhat more comfortable with the gentleman's position if he could tell us that there are going to be absolutely no supplementals for legislative appropriations in the upcoming year.

Is the gentleman prepared to say that?

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO. I am happy to yield to the ranking minority member to answer that question.

Mr. LEWIS of California. Mr. Chairman, on that point, if you will, one of the more important developments in this subcommittee during this last year—and I commend the subcommittee chairman for it—is that in the past there has been a tendency to depend upon low projections at the beginning of an appropriation bill and then rely upon a supplemental later. Within this bill, section by section, there has been a considerable effort to lock in the cost that we anticipate for the entire year, with great pressure and public commitment to attempt to avoid the sizable supplemental process.

It is critical to recognize that last year the supplementals for running the House were absolutely necessary, and it passed overwhelming here. It was because of a past policy that the subcommittee chairman and I disagreed with. So, frankly, in view of that, the very slight adjustment here of 3 percent is a reflection of an attempt, even in terms of our own personnel, to hold down and to demonstrate to the public the need to hold down the cost of Govenment.

The CHAIRMAN. The time of the gentleman from California (Mr. FAZIO) has expired.

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

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

Mr. FAZIO. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, it is my understanding that with my amendment there would be a 3-percent adjustment. I do not think the gentleman was representating that with the committee language there would be a 3-percent increase. I think that what the gentleman was saying—and as I say, to that I plead guilty—is that what we have here is a 3-percent upward adjustment with my amendment, which is precisely in line with where inflation is right now, and it seems to me that would be a totally reasonable kind of solution.

Mr. LEWIS of California. Mr. Chairman, if the gentleman will yield, that is somewhat below the inflation rate.

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

Mr. FAZIO. I yield to the gentleman from Wisconsin.

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

I do think it would be useful to put this in perspective since the issue of supplementals has been raised. The fact is that the President has asked the Congress for about $13 billion in supplementals so far this year. The Appropriations Committee has approved approximately $5.5 billion, it has deferred about $8 billion, and we have come in about $300 million under the President's request on those supplementals.

Second, just to put in perspective what the relative degree of stringency has been branch to branch, I would point out that the other two agencies that deal with the crucial economic and budgetary questions facing the country came in for an increase. The Office of Management and Budget came in for a 20-percent increase, and the Council on Economic Advisers came in for an 18-percent increase. I think that the position of the Congress is quite modest when compared to those requests.

Mr. FAZIO. Mr. Chairman, the gentleman is correct. If I could indicate this to the committee, there is absolutely no question that we have accomplished our purpose far better than the other branches of Government in recent years. We are at half the rate of increase in general that has occurred in the executive branch over the last several years. So I think the committee has nothing to be ashamed of.

We are talking now, in terms of statutory staff, of very important people, the 30 key people authorized under rule XI of the House who are essentially serving each one of our authorizing committees and the staffing for Committees on Appropriations and Budget. I think it is very important that we not lose the capability those people provide us. I do not think we have had profligate requests coming from committee chairmen.

Mr. Chairman, I know that the Committee on House Administration has made every effort to reduce costs through its authorization process, and I would continue to oppose the amendment at this time.

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

Mr. Chairman, I might suggest to my colleagues that before they vote on this particular measure, they might take into consideration the general climate in which we approach this matter. We have a difficult economy that faces major challenges in the future. The question is whether or not we are going to behave responsibly with our own budget.

This amendment is an extremely modest one. All it does is to suggest a 5-percent increase over last year's appropriation instead of an 8-percent increase over last year's appropriation.

Is there any one of us who can look our constituents in the eye and suggest that we have done a good job in handling our committee staffs? Let me give the Members one example—and it is not by any means the worst—the Committee on Interior and Insular Affairs on which I have the privilege of serving. That committee was served on by my predecessor and by his predecessor, Mr. Aspinall. When Congressman Aspinall came to this body, that committee had four full-time staff members, and it had more work and more bills and more business than it has had at any time since. When Mr. Aspinall left and Mr. Johnson came, it had gone from 4 to 15 staff members. When Mr. Johnson left and I came and took his place, it had gone from 15 to 69. That committee now has 72 full-time staffers doing the job that 4 people did, and their workload has gone down.

That, as everyone knows, is not the worst example. There are many committees that are far worse. How can we look our constituents in the eye and

even pretend that we have done a decent job in budgeting? How can we even pretend that there is not an enormous amount of waste in our committee structure? Every Member of this body knows there is.

All this amendment asks is that we not increase that abuse even further. It merely says, give us the rate of increase in the appropriation that is equivalent to the pay increase that is planned and not one that is above it.

We can look over the appropriations for these committees every year for the past few years, and they show significant increases every year.

Mr. Chairman, I would recommend to the Members of this body that before we waste the hardworking taxpayers' money on this budget further, we examine ourselves and see if we really have to have the staffs that are there and if we really have to increase them more.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I am glad to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman's yielding.

First, I would like to say that I have nothing but praise for the gentleman and his comments and his efforts on behalf of all of us to attempt to focus upon the need for fiscal constraint within the national budgetary process.

The difficulty that I see with the amendment before us involves two lines of thought. The first is the reality that the amendment before us would reduce this specific amount to $33,636,750. That is slightly below the actual total amount spent last year, which was a total of $33,709,000.

Mr. BROWN of Colorado. Mr. Chairman, I am looking at the information that was prepared by the committee that is available to all the Members, and it says very specifically, 1983, appropriated and enacted to date, $32,035,000. So I think the committee's own information there indicates $32 million. This is an increase that is proposed, but not a great increase.

Mr. LEWIS of California. Mr. Chairman, will the gentleman yield further?

Mr. BROWN of Colorado. I am glad to yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, the material the gentleman has before him does not apparently include the $1,674,000 that was part of the supplemental that has been passed.

Mr. BROWN of Colorado. Has that supplemental been concluded and enacted? I am not sure the supplemental has been enacted yet, has it? It may have passed this House, but has it been enacted?

Mr. LEWIS of California. Mr. Chairman, the gentleman is correct. Presuming there is a decent chance the supplemental will go forward and will likely not be less than this amount, the reality is that this amendment brings us below the total expenditure anticipated for fiscal year 1983.

But there is another important item here that I think relates to the way we run this place. The gentleman knows that the rules were changed in a fashion that does not allow us to effectively get to the budget of a specific committee. Frankly, I agree with the gentleman's point regarding some committees having more staff than they ought to have. The difficulty is that we cannot control that. If we decide to cut $10 million out of this allocation, the money will not necessarily be reduced from those committees the gentleman would choose to reduce and I would choose to reduce. It might instead come out of the Defense Committee that I may think needs additional personnel, for instance. The rules have created a circumstance that disallow our effectively doing the kind of job the gentleman is talking about doing by way of this particular amendment.

Mr. Chairman, I thank the gentleman for yielding.

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

This is an opportunity for us as a House to make it clear to the American people that we have the courage and the strength to make some difficult decisions when they impact us. That, I think, is what is important here.

□ 1740

As you look at the history of our staffing and our spending on committee staff you will note that over the last 10 years we have allowed the cost of our committee staff to increase approximately 300 percent. Committee staff itself, personal staff has increased close to 300 percent over the last 12 years.

It is hard for me to believe that as we see these large increases that have evolved over the years and, yes, some of them have been institutionalized, obviously, that is why we are here at this high figure, that we cannot, as a body, as a House of Representatives, show some leadership and effect a reduction in the amount of money which we are spending.

I happen to agree with the honorable gentleman from California when he represents that this proposal, although a 5-percent reduction, although a minor reduction in dollars, it is $1.1 million, would represent the reduction to a funding level of less than the 1983 levels.

What is wrong with that? Why should we not as a House stand up on this issue and say we are going to make some hard decisions right here on our staff, we are going to reduce the funding of our staff below last year's level?

I am sure that within our staffing areas we can find the 1 percent that this represents, or the 3 percent that this represents in funding to take it out across the board in the committees.

The gentleman from California has raised the issue that we do not have control over specific committees and who would end up having to pass the cost of this reduction. We are never going to have control over that. If we accept that argument we are never going to take any of the difficult decisions as a body. We as a Committee of the Whole are going to be foreclosed from the ability to get into the funding issue because every time we address it we are going to find this issue of whether or not we can specify where the funding is going to confront us.

What we need to do today is to establish clearly within this body that we have the courage to make some hard decisions when it comes to our spending and that is why I support this.

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

Mr. GREGG. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding because I think most of us accept the fact that it was beginning in the mid-1970's when many of the problems with our economy began to take over. That is when we saw these huge increases in spending across the board in our economy.

In 1975 around here we were spending about $8.5 million for staffing of committees. The committee proposes we now spend $34 million for those same committees. That is a 400-percent increase in a period of time of less than a decade.

My question is whether or not there are any businesses out there that really have experienced that kind of an increase during that time, or whether or not most of our taxpaying citizens in our districts have seen their family income go up 400 percent in that same time. Yet here we see tremendous increases of this type that those taxpayers and those businesses have to pay for.

So I want to thank the gentleman for his support of the amendment. I think the figures he cities are more than justified by the actual data of spending for committees over the last several years.

Mr. GREGG. I thank the gentleman from Pennsylvania and would just confirm his view, which is we should not take a snapshot of just this one year and refer it to the last year. I think we have to look at the area of what we

have done in committee funding over the last 10 or 15 years and recognize the fact that we have expanded much faster than we should and we should see some reductions and make the hard decisions.

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

Mr. GREGG. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding. I would like to associate myself with the gentleman's remarks.

I am reminded here that we are here not just to legislate but to provide some leadership. I think it is difficult for interest groups that visit the Capitol and that look forward to funding for their programs and see the largesse with which we operate on the Hill, I think it is difficult to motivate them to want to exercise constraints.

I commend the gentleman and I urge adoption of this amendment.

Mr. GREGG. I yield back the balance of my time.

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

I am really sorry that I have evidently upset the pace here. We have managed to change the rules so that contrary to the situation that prevailed in my first year we are unable to go committee by committee.

This is now scheduled at the end of the day when most Members had wished to be out of here, and we can see that the galleries are not full with the press. If instead of talking about how much we are going to be spending on our committees and committee staff we were talking about how much we were going to spend on Members of Congress pay, the press galleries would be overflowing and we would be hearing the hoots and hollers on this floor as to how important a position it is that one ought to take on that question.

But when we merely talk about spending $30-some-odd million as a result of being overstaffed, somehow the currency of thought here is that we ought to rush it through, we ought not to be concerned about it. We have the rather strange position of Members on the minority side who would like us to be able to view committee by committee, the fact that, gee, we do not have the chance to go committee by committee right now, so maybe we ought to just give up and go home and realize that we have already been rolled before we even get on the floor of the House.

I have come to this floor day after day and have heard a number of Members on the other side of the aisle refer to the Reagan deficit and that this President has brought more deficits than any other President, that he is spending money at a faster rate than any other President, and all of us forgetting, of course, we hold the purse strings of the entire Federal Government here. Yet now that we are talking about what we are going to spend in our own committees we should say do not worry about it, we at least should get an increase. Do not ever go down because we assume the number of people we have working now and the salaries that are being paid now are all justified and they ought not to be challenged in any way.

It is awfully difficult to get up here and talk about committees because we are only talking about committees in general, because of the rules and we cannot talk about them specifically. But I do not think anybody can come here and say we do not have most of our committees overstaffed. We all know that. It is kind of like a secret that we have here. We wink at it. We do not want anybody else to know it. It is a closed society here.

We are spending too much money on our staff. We have got too many people on our staffs. We are paying too much in salaries in many cases, but we do not want to address that question.

I think it is rather strange that we can get up here day after day and criticize the President of the United States for not carrying out his responsibilities and bringing the budget into balance when we jump up, away from the possibility that we might spend less next year than we are going to spend this year as if we have to accept the premise that what we are spending this year is an appropriate level.

We ought to at some point in time address the fact that we are overstaffed, that we are spending too much money, and that if we are going to set a good example for the rest of the Federal Government we ought to start doing it now.

The rules have made it more difficult, that is true. The rules have made it virtually impossible for an amendment like this to pass. I will acknowledge that.

The scheduling has made it very difficult for anybody to even get any interest in this. There is almost a resentment that seems to rise in this place when you take the time of other Members to even discuss this issue, because we know that the steamroller is coming. It is not a train coming; it is a steamroller, and we ought to get out of the way and let the process proceed.

Unfortunately, all that does, I think, is to increase the cynicism that many of the American people have for this body, and for that I am sorry. I think we ought to address ourselves more specifically and more forthrightly to this issue.

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

Mr. LUNGREN. I am happy to yield to the gentleman.

Mr. GREGG. I would just like to point out that the gentleman is talking about the amounts here and how small in relative terms of the entire budget this amount is. We are talking about $1.1 million. We are talking about reducing this some $34.7 million down to $33.6 million.

It seems to me that this House ought to be able to summon up the courage and the strength and the intestinal energy to be able to accomplish a $1.1 million reduction in its staffing levels, if for no other reason than to give a visible sign to the people who are coming to the Congress and petitioning us for additional funds in a time of severe fiscal restraint that we have the courage to make some decisions that impact us and we will have the courage, therefore, to make some decisions that impact the balance of the Government.

Mr. LUNGREN. I thank the gentleman for his comments. I would suggest to the gentleman that he probably has some small businesses in his area, as I do in my area, that would not consider $1.1 million to be an insubstantial amount and could probably use it to tide themselves over in this difficult period of time.

Sometimes being in this place for a long period of time tends to close our focus to those things that are of importance to our people back home.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. WALKER).

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 12, noes 18.

□ 1750

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 142, noes 213, not voting 77, as follows:

[Roll No. 152]

AYES—142

Andrews (TX)	Daniel	Hartnett
Archer	Dannemeyer	Hightower
Bartlett	Daub	Hiler
Bateman	DeWine	Hillis
Bennett	Dreier	Hopkins
Bereuter	Early	Hubbard
Bethune	Emerson	Huckaby
Bilirakis	Erlenborn	Hunter
Bliley	Evans (IA)	Jacobs
Boehlert	Fiedler	Johnson
Broomfield	Fields	Jones (OK)
Brown (CO)	Franklin	Kaptur
Broyhill	Gekas	Kasich
Burton	Gingrich	Kemp
Campbell	Glickman	Kindness
Chandler	Goodling	Kramer
Clinger	Gramm	Lagomarsino
Coats	Gregg	Latta
Coleman (MO)	Gunderson	Leath
Conable	Hall, Ralph	Lewis (FL)
Corcoran	Hall, Sam	Loeffler
Coughlin	Hamilton	Lott
Courter	Hammerschmidt	Lowery (CA)
Crane, Daniel	Hance	Lujan
Crane, Philip	Hansen (ID)	Lungren

Mack
Martin (IL)
Martin (NC)
Martin (NY)
McCandless
McCollum
McCurdy
McDonald
McEwen
McKernan
Michel
Miller (OH)
Moore
Moorhead
Mrazek
O'Brien
Olin
Oxley
Packard
Parris
Patman
Paul
Petri
Ray
Regula
Ridge
Ritter
Roberts
Robinson
Roemer
Rogers
Roukema
Rudd
Schaefer
Scheuer
Sensenbrenner
Sharp
Skeen
Slattery
Smith (NJ)
Smith, Robert
Snowe
Solomon
Spence
Stenholm
Stump
Sundquist
Tauke
Tauzin
Taylor
Thomas (CA)
Valentine
Vander Jagt
Vandergriff
Walgren
Walker
Weber
Whitehurst
Whittaker
Williams (OH)
Winn
Wise
Wolf
Wylie
Yatron
Young (FL)
Zschau

NOES—213

Ackerman
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Annunzio
Anthony
Applegate
Aspin
Barnard
Barnes
Bates
Bedell
Beilenson
Bevill
Biaggi
Boggs
Boland
Boner
Bonior
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Brown (CA)
Bryant
Byron
Carper
Carr
Chappell
Clarke
Coelho
Coleman (TX)
Cooper
Coyne
D'Amours
Daschle
Davis
de la Garza
Dellums
Dicks
Dingell
Donnelly
Dorgan
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
English
Erdreich
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fish
Flippo
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Fuqua
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gore
Gray
Green
Guarini
Hall (IN)
Hall (OH)
Harrison
Hatcher
Hefner
Hertel
Horton
Howard
Hoyer
Hughes
Ireland
Jeffords
Jenkins
Jones (NC)
Kastenmeier
Kennelly
Kildee
Kogovsek
LaFalce
Lantos
Lehman (CA)
Leland
Levin
Levitas
Lewis (CA)
Lipinski
Livingston
Long (LA)
Long (MD)
Lowry (WA)
Luken
Lundine
MacKay
Madigan
Markey
Marriott
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
McKinney
McNulty
Mikulski
Miller (CA)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Montgomery
Moody
Morrison (CT)
Murphy
Murtha
Myers
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Ortiz
Ottinger
Patterson
Pease
Penny
Pepper
Perkins
Pickle
Porter
Rahall
Rangel
Ratchford
Reid
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Roybal
Russo
Savage
Sawyer
Schroeder
Schumer
Seiberling
Shannon
Shelby
Sikorski
Smith (IA)
Smith (NE)
Snyder
Solarz
Spratt
St Germain
Staggers
Stangeland
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torricelli
Towns
Udall
Vento
Volkmer
Watkins
Waxman
Weaver
Wheat
Whitley
Whitten
Williams (MT)
Wirth
Wolpe
Wright
Wyden
Yates
Young (MO)
Zablocki

NOT VOTING—77

Addabbo
AuCoin
Badham
Berman
Bonker
Carney
Chappie
Cheney
Clay
Collins
Conte
Conyers
Craig
Crockett
Derrick
Dickinson
Dixon
Duncan
Florio
Foglietta
Forsythe
Frenzel
Frost
Gradison
Hansen (UT)
Harkin
Hawkins
Heftel
Holt
Hutto
Hyde
Jones (TN)
Kazen
Kolter
Kostmayer
Leach
Lehman (FL)
Lent
Levine
Lloyd
Marlenee
Martinez
McCain
McGrath
Mica
Morrison (WA)
Nelson
Nielson
Owens
Panetta
Pashayan
Price
Pritchard
Pursell
Quillen
Roth
Rowland
Sabo
Schneider
Schulze
Shaw
Shumway
Shuster
Siljander
Simon
Sisisky
Skelton
Smith (FL)
Smith, Denny
Stratton
Torres
Traxler
Vucanovich
Weiss
Wilson
Wortley
Young (AK)

□ 1800

Mr. ERDREICH and Mr. PEASE changed their votes from "aye" to "no."

Mr. ANDREWS of Texas and Mr. VANDERGRIFF changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. FAZIO. Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any points of order against the remainder of the bill? The Chair hears none.

Are there any amendments in order under clause 2(c), rule XXI?

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

The CHAIRMAN. The question is on the motion offered by the gentleman from California (Mr. FAZIO).

Those in favor of the motion will vote aye; those oppose to the motion will vote no.

The ayes have it. The motion is agreed to, and the Committee will now rise.

□ 1810

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

The CHAIRMAN. The Chair will advise the gentleman that his demand comes too late.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BROWN of California) having assumed the chair, Mr. DE LA GARZA, 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. 3135) making appropriations for the legislative branch for the fiscal year ending September 30, 1984, and for other purposes, had come to no resolution thereon.

LEBANON EMERGENCY ASSISTANCE ACT OF 1983

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the unfinished business is the vote on the motion of the gentleman from Indiana (Mr. HAMILTON) that the House suspend the rules and pass the Senate bill, S. 639, as amended, on which further proceedings were postponed on Wednesday, June 1, 1983, and on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana (Mr. HAMILTON) that the House suspend the rules and pass the Senate bill, S. 639, as amended.

The vote was taken by electronic device, and there were—yeas 276, nays 76, not voting 80, as follows:

[Roll No. 153]

YEAS—276

Ackerman
Akaka
Albosta
Alexander
Andrews (NC)
Andrews (TX)
Annunzio
Anthony
Aspin
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Bryant
Burton
Campbell
Carper
Carr
Chandler
Chappell
Clarke
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Conable
Cooper
Corcoran
Coughlin
Coyne
Daniel
Daub
Davis
de la Garza
DeWine
Dicks
Dingell
Donnelly
Dowdy
Downey
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Erdreich
Erlenborn
Evans (IL)
Fascell
Fazio
Feighan
Ferraro
Fiedler
Fish
Flippo
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Franklin
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gore
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hamilton
Harrison
Hartnett
Hatcher
Hefner
Hertel
Hightower
Hiler
Hillis
Horton
Howard
Hoyer
Huckaby
Hughes
Hunter
Jeffords
Johnson
Jones (OK)
Kaptur
Kasich
Kastenmeier
Kemp
Kennelly
Kildee
Kindness
Kogovsek
Kramer
LaFalce
Lagomarsino
Lantos
Leath
Lehman (CA)
Leland
Levin
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Livingston
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
MacKay
Madigan
Markey
Marriott
Martin (IL)
Martin (NC)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McHugh
McKernan
McKinney

McNulty	Ratchford	Sundquist
Michel	Reid	Swift
Mikulski	Richardson	Synar
Miller (CA)	Ridge	Tallon
Mineta	Rinaldo	Tauke
Minish	Robinson	Thomas (CA)
Mitchell	Rodino	Thomas (GA)
Moakley	Roe	Torricelli
Molinari	Rogers	Towns
Mollohan	Rose	Udall
Moody	Rostenkowski	Vander Jagt
Morrison (CT)	Roukema	Vandergriff
Mrazek	Roybal	Vento
Murphy	Russo	Walgren
Murtha	Sawyer	Waxman
Natcher	Scheuer	Weber
Neal	Schroeder	Wheat
Nowak	Schumer	Whitehurst
O'Brien	Seiberling	Whitley
Oakar	Shannon	Whittaker
Oberstar	Sharp	Whitten
Obey	Sikorski	Williams (MT)
Olin	Skeen	Williams (OH)
Ortiz	Smith (IA)	Winn
Ottinger	Smith (NE)	Wirth
Oxley	Smith (NJ)	Wise
Packard	Snowe	Wolf
Parris	Solarz	Wolpe
Patterson	Spence	Wright
Pease	Spratt	Wyden
Pepper	St Germain	Wylie
Perkins	Staggers	Yates
Pickle	Stangeland	Yatron
Porter	Stark	Young (MO)
Rahall	Stokes	Zablocki
Rangel	Studds	Zschau

NAYS—76

Anderson	Gramm	Ray
Applegate	Hall, Ralph	Regula
Archer	Hall, Sam	Ritter
Barnard	Hammerschmidt	Roberts
Bethune	Hance	Roemer
Brown (CO)	Hansen (ID)	Rudd
Broyhill	Hopkins	Savage
Byron	Hubbard	Schaefer
Coats	Jacobs	Sensenbrenner
Courter	Jenkins	Shelby
Crane, Daniel	Jones (NC)	Slattery
Crane, Philip	Latta	Smith, Robert
D'Amours	Loeffler	Snyder
Dannemeyer	Mack	Solomon
Daschle	McDonald	Stenholm
Dellums	McEwen	Stump
Dorgan	Miller (OH)	Tauzin
Dreier	Montgomery	Taylor
Durbin	Moore	Valentine
Edwards (OK)	Moorhead	Volkmer
Emerson	Myers	Walker
English	Nichols	Watkins
Evans (IA)	Patman	Weaver
Fields	Paul	Young (FL)
Gonzalez	Penny	
Goodling	Petri	

NOT VOTING—80

Addabbo	Hawkins	Price
AuCoin	Heftel	Pritchard
Badham	Holt	Pursell
Berman	Hutto	Quillen
Bevill	Hyde	Roth
Bonker	Ireland	Rowland
Carney	Jones (TN)	Sabo
Chappie	Kazen	Schneider
Cheney	Kolter	Schulze
Clay	Kostmayer	Shaw
Collins	Leach	Shumway
Conte	Lehman (FL)	Shuster
Conyers	Lent	Siljander
Craig	Levine	Simon
Crockett	Lloyd	Sisisky
Derrick	Long (MD)	Skelton
Dickinson	Marlenee	Smith (FL)
Dixon	Martinez	Smith, Denny
Duncan	McCain	Stratton
Florio	McGrath	Torres
Foglietta	Mica	Traxler
Forsythe	Morrison (WA)	Vucanovich
Frenzel	Nelson	Weiss
Frost	Nielson	Wilson
Gradison	Owens	Wortley
Hansen (UT)	Panetta	Young (AK)
Harkin	Pashayan	

□ 1820

Mr. McEWEN and Mr. RAY changed their votes from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

H.R. 2532 was laid on the table.

□ 1830

VIEWS ON EL SALVADOR, CENTRAL AMERICA AND LATIN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska (Mr. BEREUTER) is recognized for 60 minutes.

Mr. BEREUTER. Mr. Speaker, I would begin my comments on El Salvador with a few general observations about Central America and Latin America. First, there should be a restatement of the all-too-accurate words of a renowned modern American geographer. He was certainly correct when he said: "There are no experts on Latin America; there are only degrees of ignorance."

Today, and for years to come, America will pay for that ignorance and neglect and for giving so many prideful provocations to our neighbors in Latin America and the Caribbean. They generally believe that our interests and sympathy are inordinately directed toward "Anglo" relations or to Western Europe. In that view they are unfortunately, in my judgment, correct. Yet our neighbors to the south constitute about 30 percent of our export market (approximately $3.3 billion annually) and the area is by far the largest source of foreign tourist dollars spent in the United States. In my judgment, Latin America and the Caribbean by the year 2000, will be of more trade significance to us than the combined nations of Western Europe.

So many of the contacts I have received on this subject from constituents and other Americans say "don't get involved" or "we've got our own problems, don't send any aid." There is indeed growing evidence of support for isolationist policies among many Americans despite the facts that: (1) we are, like it or not, recognized by our allies as the economic linchpin for the free world; and (2) we remain the largest exporting nation in the world. One out of every three and one-half agricultural acres in America produces export commodities. An estimated 830,000 American jobs are related to foreign trade with Latin America and the Caribbean countries.

What kind of leadership and good neighbor policies have we adopted in our own hemisphere? I believe we must admit that during this century, and especially since the 1950's, the United States has, by its actions and failures to act, opted for the temporary stability provided by dictatorships and oligarchical control in various parts of the Western Hemisphere. We chose this easy and expedient course rather than using our very considerable influence to urge and assist those nations to form and reinforce democratic institutions and traditions, establish judicial systems worthy of the name, and encourage economic development efforts that would bring benefits to all of their people.

Today we have an estimated 4 to 6 million illegal aliens in the country, and, while nobody really knows the true number, an estimated 10,000 Latin American illegal aliens are successful in crossing the Mexico-United States border each day.

More border guards will not stop that flow. Boatloads of Haitians are illegally arriving on our shores, and an estimated 9 percent of all Salvadorans are already living in this country—most illegally. Population increases in Latin America are the highest in the world. Modern communications and transportation have acted, respectively, to accentuate the rising expectations of our impoverished southern neighbors and provide the means for arriving on our shores or crossing our southern border to take a chance on matching those expectations. With a connecting land mass we were never a secure island redoubt against illegal aliens, and we are less so with every passing day.

Yet, who among us in this Nation of immigrants can truly fail to understand their compelling drive to exchange a life of hunger, disease, illiteracy, violence, and general hopelessness for the American dream? There is a limit, however, as to how many immigrants and refugees we can successfully assimilate each year, even if we are just counting those arriving here through legal methods. Our high unemployment rate and long recession severely test the patience, and the generous, humane spirit of our people. We are, I believe, just seeing the beginning of a crushing tide of illegal alien landing on our shores. Beefing up our INS Border Patrol would make only a marginal difference: we can not employ enough people to stop the increasing numbers of desperate and determined inhabitants of Mexico, Central America, and the Caribbean.

It does, I believe, come down to this. We cannot control their entrance even if we are totally committed to that end. We can help them help themselves in their own countries, or we will willingly or unwillingly pay the

price in jobs, dollars, and violence right here. Help them there or help them here; that is the emerging choice. Given that choice, I feel, and believe most Americans feel, that we can only choose the former. In fact, only some combination of the two approaches will succeed, even if we launch an increased assistance program.

FOCUS ON EL SALVADOR

The preceding may seem an overly long introduction, but because so many people contacting me have questioned the wisdom or necessity of any U.S. Government involvement south of the border, I felt it was essential to provide this preliminary statement of fact and opinion.

Now, finally, I come to the matter of El Salvador. Let me begin by saying that my visit there with three other committee members and one committee staff person on February 23-26, 1983, was invaluable. The trip subsequently has provided a framework for additional reading, discussion, and interviews. Certainly I would not contend that brief visit makes me an expert or gives me all of the right answers. However, we did have an extremely intensive schedule, a helicopter at our disposal and total cooperation in our scheduling.

In El Salvador we met with representatives and elected officials of all five parties represented in the Constituent Assembly, President Magana, businessmen, journalists, representatives of several international humanitarian groups, clergy, Salvadoran military leaders and field commanders, guerrilla defectors, our U.S. Ambassador and embassy staff, AID field staff, labor leaders, Salvadoran land reform officials, peasant farmers or campesinos on both cooperative (Phase I) land reform farms and on their own small, individual "Land-for-the-Tiller" (Phase II) farms, and individual, randomly selected Salvadoran people in private and governmental refugee camps, on work projects and on the streets of Berlin. Subsequently in Washington I met with Dr. Guillermo Ungo, the leader of the largest Salvadoran guerrilla group. Most importantly, we set our own agenda, and traveled where we wanted to go. We were not accompanied by Salvadoran governmental or military personnel who might have an intimidating effect upon the people to whom we talked. We were not shown only what someone wanted us to see. We were not denied any information, interview, or any destination we requested. We did not give anyone an opportunity for systematic or coordinated brainwashing. Our only failure, despite repeated efforts and a confirmed appointment, was an interview with Archbishop Rivera y Damas or other high-ranking Catholic clergy; preparation for the upcoming visit of Pope John Paul II about a week later was given as the reason.

Having made clear the breadth of our contact, the first thing that I would say about El Salvador is that it was certainly a country ripe for revolution. The disparity in land ownership was the most extreme in the hemisphere. Most of the arable land was owned by a relatively small number of families that effectively exercised oligarchial control over that nation's economic and political life. The smallest nation in Central America, until recently, its population density is exceeded in the hemisphere only by Haiti; yet it has no significant developed petroleum or mineral resources.

On inter-class judicial issues, its law enforcement and judicial system, not uniquely in the region, have frequently been inequitable, corrupt, and subject to intimidation. Although comparative statistics in Latin America are unreliable, many people have always pointed to El Salvador as traditionally having the highest incidence of nongovernmental murder and violence in the hemisphere. The church was said to be very largely unresponsive to demands for its involvement on matters of social justice, economic improvement, and human rights. There are few, if any, roots of democratic traditions and institutions. Like so many areas in Latin America, El Salvador has made little real progress in moving away from the division of its population into the two classes of the exploiters and the exploited—a condition that traces back over four centuries to Spanish conquistadors and conquered Indians. Yet the Salvadorans are known in Central America as the region's most energetic people.

Because of these extreme conditions it is not surprising that some concerned Salvadorans and foreign nationals—including clergy—especially those working most closely with the poor, looked favorably on revolutionary changes. After four centuries of deprivation and gross inequity for the vast majority, that nation's citizens looked to different people and different ideologies for answers. As in the case of Nicaragua, some of these revolutionairs were Marxist or sympathetic to Marxist ideology and goals; many others were not ideologically motivated but simply wanted a better life for Salvadorans than was provided by a nation perpetually under the control of the oligarchical/military faction that ran the country.

Now that the country has been threatened by an internal revolution, covertly and overtly aided by Cuba and the Soviet Union through Nicaragua, important reform steps have finally been taken by the Government of El Salvador. The existence and importance of external aid to Salvadoran guerrillas was once a matter of debate; today the evidence is irrefutable. Guerrillas and Nicaraguans even boast about it on the radio and in print. Those reforms have been more apparent since the March 1982 elections and especially in the last 4 to 6 months, but, sadly, it must be admitted that these changes would not have been implemented by the Salvadoran Government if the revolutionaries had not created conditions which required those reforms. Changes also would not have happened without the conditions placed upon American aid and without other forms of pressure and persuasion employed by the U.S. Government.

What reforms or progress am I talking about? What are the facts? Are the reforms real? Certainly answers to those questions are controversial. One of the frustrations I have in answering questions on El Salvador and Central America is that so much obsolete and inaccurate information on conditions in that country and region is unintentionally circulated. Sometimes that misinformation springs from incomplete or biased investigations, or misinterpretations, but mostly I believe the discrepancies spring from the fact that much information on conditions in El Salvador is outdated. Conditions have changed markedly and they continue to change at a rapid pace. Americans should first ask both critics and supporters of the Salvadoran Government or United States policy in Central America about the breadth of their research and especially how old their facts are.

DEMOCRATIC ELECTIONS

In March of 1982 over 1,500,000 Salvadorans (83 percent of that country's eligible adult voters) cast their votes for a national legislative body, the Constituent Assembly, despite guerrilla violence and concerted threats of violence to anyone who voted. Literally hundreds of international observers and news media representatives were on hand; they gave the election exceedingly high marks for integrity. The guerrillas suffered a major setback in image and, for at least a few weeks, El Salvador issues were mostly relegated to small articles on the back pages of our newspapers.

Now, elections have again been set for December of 1983. The independent, quasi-governmental Peace Commission, established in February of 1983, has recently announced a detailed, responsible amnesty program for guerrilla members who forsake armed conflict and pursue their goals through democratic means. It appears to be formed to protect those asking for amnesty from retribution. A number of Salvadorans have already quietly taken advantage of this and a previous amnesty offer, but the guerrilla leaders again refuse to participate in the election process. Most of their

leaders understand, I believe, that their support at the polls would be small and shrinking. Looking at what happened in Nicaragua, they see that revolution led to a role in a coalition Sandinista government which is now totally dominated by Marxists with support and substantial control by international Communist forces.

□ 1840

Mr. GEKAS. Will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman.

Mr. GEKAS. On the point of the elections, this is something that I have not fully comprehended. Did the call for new elections now forthcoming in December 1983 emanate from the increased pressure of the rebel activity, both military and political?

Mr. BEREUTER. I thank the gentleman for his question. It is an important one. I have to say no, that is not the case.

Frankly, the guerrillas would rather not see the election happen because I think it places on them a wee burden, a responsibility to show why they are not willing to participate in an election process, even when an amnesty is granted to permit them to participate and to give them the kind of protection they need. So I think that the election is probably the last thing they want because they do not want to face the embarrassment that they faced in March 1982.

Mr. GEKAS. Did the call for the election come about because the Central Government, the one now affecting the governmental reins there, wanted to have a kind of confirmation of their leadership, or did it come about because of pressure from international sources like the United States who want to see stability there? How did it come about? I am not sure historically why the elections have been called for because they were so recent in the first place, so overwhelming in support of the Government eventually that took root, I cannot sort out why we are having this election or why the El Salvadorans are having this election.

Mr. BEREUTER. I would say to the gentleman I appreciate his question. I think the answer to the first part of the question is it was a combination of interest on the part of the constituent assembly, President Magana, and external sources, especially the United States, that moved the decision forward to have the election earlier than planned.

□ 1850

But I would have to say second I think the primary reason is that we are talking about an election of different offices. Whereas the first one was strictly an election for the constituent assembly, the new 40-member legislative body.

Mr. GEKAS. I thank the gentleman. That helps me in my thinking on the matter. If the gentleman would not mind, I might have to interrupt him a little later and ask him to yield.

Mr. BEREUTER. I welcome the gentleman's questions and comments.

HUMAN RIGHTS

While human rights violations have been reduced in recent months, according to clergy and relatively unbiased international groups, they are still substantial and they are committed by both Salvadoran military forces and by guerrillas. I talked, for example, to civilians in the Salvadoran city of Berlin who told me about the grisly atrocities committed there by guerrillas. There also is unimpeachable evidence of the guerrillas' attempt to blame the total destruction of several blocks of that city on Salvadoran air forces. Clearly there are still death squads employed by right-wing forces—some probably even linked to people sitting in the Assembly—by expatriates with oligarchical connections, and by guerrilla forces. Nonpolitical personal disputes and animosities are also clearly being pursued in this violent society by means of unsupported allegations conveniently given to Salvadoran forces or guerrillas. Grudges are settled by the guns of one side or the other. Finally, however, one encouraging fact should be mentioned. The human rights record of the two Salvadoran battalions trained by the United States at Fort Bragg, N.C., has been excellent.

JUDICIAL REFORM

While an effort is underway in the Assembly to strengthen the honesty and independence of the judiciary system in El Salvador through special efforts in drafting the new constitution, justice is still frequently frustrated by bribery and the intimidation of judges. President Magana and others shared their frustrations with us on this matter. There are two particularly infamous cases, for example, where the identities of the killers of the four American churchwomen and the persons allegedly responsible for the deaths of the AFL-CIO workers are widely known. During our February visit, we continually emphasized the moral and political significance of seeing justice done in these and several other notorious cases. But even if properly applied, the judicial process under the Salvadoran derivation of the Napoleonic Code—which places emphasis on direct accusation—operates quite differently than the American system. We want action now, but such action is as slow as that of our own courts under the due process we have pushed them to implement. Of course, the major problem is that justice remains illusive in a nation where judges are routinely bribed and their families threatened. The trial and appeals process is being pursued with continuing pressure from the top of the Salvadoran governmental structure and from the United States.

LAND REFORM

Probably in no other area is up-to-date information more important than in the area of land reform, because this situation has recently changed dramatically for the better. Certainly I have my doubts about the wisdom of creating cooperative farms through phase I of the land reform program instead of opting for individual ownership and operations by the individual campesinos who worked the land—as in the phase III "Land-for-the-Tiller" program. It is not the approach I would have recommended. Nevertheless, from my examination I would say that these cooperative farms seem to be viable despite low commodity prices, despite the initial violence naturally engendered by any forceable sale and redistribution of land, and despite the guerrilla damage being done to the power, transportation and technical assistance systems.

It is the phase III effort, however, where the emphasis now is being placed and it is being pursued aggressively and according to law. Of course it is most successful in areas with lower levels of guerrilla conflict. Despite normal, justifiable difficulties in land titling and funding difficulties, the United States could not do as well in a peacetime environment, I am convinced, even if we ideologically could accept such a land redistribution system—which we could not and should not.

Today, over 21 percent of the arable land has been redistributed through the land reform programs, toward a goal of 37.7 percent. Over 78,000 peasant farmers have been placed on land that they now own or are acquiring. Over 76,936 hectares—1 hectare equals 2.471 acres—have been redistributed through the phase III "Land-for-the-Tiller" program, toward a goal of up to 200,000 hectares. This effort continues under the strongest possible encouragement by the United States.

While the "rightest" Arena party and various other public and private figures still oppose these programs and would probably roll them back if possible, the phase III program was extended, without condition, for another 10 months by a vote of the Constituent Assembly in March of 1983. When you look into the eyes of the campesinos now on cooperative farms and individual plots and you see the fierce pride and revitalized energy born of their new ownerships, you know that nobody, guerrilla or oligarch, is easily going to take this land away by force, economic pressure, coup d'etat or statutory change. Truly

revolutionary changes have been unleashed.

MILITARY ASSISTANCE

Some critics of U.S. military aid to El Salvador have found it convenient to refer to the opposition to such aid by Salvadoran clergy or foreign clergy in that nation. Frequently they have taken a partial quotation from Bishop—now Archbishop—Rivera y Damas—generally regarded as the preeminent centrist or left-of-center Catholic leader in Central America—who has frequently been very independent from and critical of the Government of El Salvador. Accordingly, it might be well to consider the following statement by the archbishop which he made on March 30, 1983:

My thoughts have always been clear on this subject since I do believe we need help to develop as a nation. With respect to military aid which is a hard necessity, I would not be in favor of this aid if it were possible to prevent similar aid from reaching the government's opposition. In other words, I prefer a political rather than a military solution, and, it is in this sense that I say that arms are unnecessary provided we achieve a political solution. But a unilateral suspension of aid would not solve the problem.

The official Catholic Church newspaper "Orientation" published an editorial February 6, 1983, disputing the charge that U.S. military aid serves to increase repression in El Salvador:

What is debatable however, is the thesis that U.S. military aid serves to increase repression and the U.S. should not aid us because the repression continues. The absolute beneficiaries of this position would be the FDR/FMLN (the guerrillas), who for this reason support without discussion a similar thesis. Although we admit that El Salvador has not advanced as far as necessary with respect to human rights, we believe that it would be unjust to abandon us to our own fate only to fall unavoidably into the hands of those who give no sign of respecting such rights.

Of course there is a very legitimate concern that direct involvement by U.S. military forces in El Salvador might escalate, and I fully share that conern. That is why I have opposed increasing the current limit of 55 military advisers. It should also be pointed out that the level of our economic assistance and commodity aid has outpaced military assistance; however, the full utility of the latter categories of such assistance has only brought marginal improvements. Why? Most of what we now send is simply being spent to replace the necessary power and transportation infrastructure that the guerrillas are destroying, to care for the increasing streams of refugees fleeing guerrilla areas, and to compensate for the crops that guerrillas are destroying or making impossible. Economic aid will be futile without the military aid necessary to maintain and enhance stability.

CONCLUSION

I view the conflict in El Salvador as one being fought on three fronts. The first is the armed tactical conflict where, contrary to many reports, the outcome is probably not deteriorating, but still very much in question. Insurgent or guerrilla forces almost always have the advantage of surprise. They can pick the place and time for destructive activities and direct conflict. Vastly superior ratios of Government or defender troops are traditionally needed to defeat guerrillas.

With the exception of three battalions of troops trained outside their country, Salvadoran troops generally have not demonstrated the ability or commitment to launch the kind of offensive, small-unit tactics necessary to disrupt guerrilla operations and deny them safe havens. The great majority of their troops are still engaged in protection of crucial infrastructure and the civilian population. Numbers required to combat a guerrilla operation have not yet been marshaled. In contrast, the core of the guerrilla forces are well trained and well equipped with weapons, ammunition and other necessary supplies which are captured or coming in from Nicaragua. Serial numbers show that weapons abandoned by United States or Vietnamese forces in Vietnam are now used by the guerrillas. While there now is little outright conflict in the San Salvador area, the guerrillas have moved to traditional, rural-oriented operations and can stage an attack at will in a great many parts of the nation.

The second front is the war for international public opinion. Guerrilla tactical activities are clearly and rather effectively orchestrated to win the battle on the front so that the United States will withdraw or sharply limit its aid. There is, for example, an identifiable precertification offensive every 6 months just before President Reagan must certify to the Congress various indicators of progress by the Salvadoran Government. Internationally, too, Salvadoran guerrillas are very conscious of the need to shape world opinion and reduce the resolve of the United States to maintain supportive actions for the Government of El Salvador. One of the crucial battlefields is, of course, on Capitol Hill. The guerrillas and other sympathetic forces wage war on this front directly and indirectly by a variety of means. (That comment is by no means, however, meant to suggest anything negative about the motives or wisdom of Americans that disagree with the past or present conduct of the Salvadoran Government or U.S. policy.)

Finally, the third front, it seems to me, is the war for the hearts and minds of the Salvadoran people. Here the Salvadoran Government is, in my judgment, clearly strengthening its position through the fledgling democratic processes now visible through the dramatically successful election, the functioning Constituent Assembly, some political defections from guerrilla and extreme right-wing elements to a more centrist position, and especially through the "Land-for-the-Tiller" program. The average Salvadoran peasants who desperately want an end to conflict, but care little about politics, increasingly see the guerrilla as the culprit for the frequent electricity outages, closed schools, unmarketable and ruined crops, broken homes, months and years of refugee camps, and death and injury.

Democracy is not firmly rooted yet on this unfamiliar soil. Human rights violations—while declining—continue in a totally unacceptable fashion. Factions of the military still do not respect or respond to legitimate civilian control, and the judicial reform effort is hardly started. But substantial, measurable progress is being made on the road to democracy and on the very difficult task of reducing extreme economic disparities. These are terribly difficult tasks to accomplish during a shooting war waged by guerrillas supported by foreign forces. It is especially difficult in a nation whose economic resources are far too few and whose support from a friendly U.S. Government is seen as being constantly placed in jeopardy as the Congress debates and acts upon each Presidential request for aid in a process that is still very foreign to them.

Clearly the guerrillas are set on bringing El Salvador to its economic knees, and they will certainly succeed without U.S. economic support and the military aid that makes such economic aid at least marginally successful. The question now is whether we are willing to abandon these fledgling democratic processes and institutions and the El Salvadoran people who believe in them. Will we provide the assistance necessary to sustain the democratic and economic progress that was first demanded by guerrilla action and subsequently by the survival instincts of the Salvadoran Government and by conditions attached to aid from the United States?

□ 1900

Those are the crucial questions that we ought to consider as we debate continued support for economic and military assistance to El Salvador and to the democratic republics of Central America that are trying to assist them. I hope the Members will focus on those issues.

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

Mr. BEREUTER. I am pleased to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I am very much impressed by the thoroughness of the analysis that the gentleman has provided in his statement. As a matter of fact, I believe that his statement

should become required reading for every Member of the House and for that matter, for every American citizen, because the gentleman has properly outlined that the problems in El Salvador are indeed on a political and economic level the problems of the United States of America.

And so, as goes El Salvador, so goes down the road our future in our economic and political leadership in the Western Hemisphere.

I really appreciate the gentleman taking the time to put this into the CONGRESSIONAL RECORD.

Mr. BEREUTER. I thank the gentleman for his very complimentary remarks.

Indeed our national interest is being affected by what is happening in El Salvador today. There is no question in this Member's mind that that is the case.

We have unfortunately neglected our responsibilities to our neighbors to the south, the republics of Central America and the Caribbean over the past years. We are taking some steps forward, but I want to suggest to my colleagues that one of the steps that we have which would bring salutory results shortly will be the Caribbean Basin Initiative which this House addressed during the last Congress, but the other body did not get to.

I appreciate again the gentleman's remarks.

THE 37TH ANNIVERSARY OF THE ITALIAN REPUBLIC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, June 2 marks a stirring event in the rich history of Italy, for it was 37 years ago in 1946 that the Italian people in a resounding vote of confidence for political democracy, voted in a plebiscite to end their constitutional monarchy and establish a republic. By replacing the Italian monarchy with a republican form of government, Italy began her return to the cultural and political prominence she had long enjoyed.

Eleven days after the referendum, King Umberto II left Italy. With the aid of the Marshall plan, the determined and ingenious Italian people launched upon a great period of economic, political, and social progress. In addition to outstanding postwar achievements on the domestic scene, Italy also placed herself in the vanguard of European integration. Moreover, in the North Atlantic Treaty Organization, Italy has been and continues to be a stalwart and loyal Western ally.

I take this opportunity to extend my greetings and best wishes to the people of the Italian Republic, as well as to the Italian Americans in my own 11th Congressional District of Illinois and throughout our country who are joining in this 37th anniversary observance.

Mr. Speaker, articles about some of the country's exports and economy follow:

ITALY FOR EXPORT

Italy has dazzled the senses of the world for 2,000 years:

The art and architecture have inspired; the music has enriched; the cuisine and wines have made many a traveller go back again and again; and now the Italian soccer team has conquered the world.

Italians began to revive the talents of their forebears after World War II, directing them toward improving their everyday world and making it attractive, modern and efficient.

With remarkable results—now recognized and enjoyed worldwide—they have combined the aesthetic and the practical to create a new way to think about clothes, to see jewelry, to use furniture and to live within architectural forms.

They have built visually appealing and highly efficient machinery for the office, the factory, the construction site and the farm.

With a sculptor's sense of form and with engineering excellence, they have handcrafted automobiles and motorcycles that are as appropriate in art museums as they are on the road.

They have constructed aircraft for defense and commercial use, and are now working on vehicles and instrumentation for outer space.

All this productivity has been accompanied by an ability to manufacture at competitive prices, to promote products in new markets and to sell.

In view of these phenomena it's no surprise that as the world recession deepened during 1981, Italy's sales to the belt-tightening foreign consumer increased by 5 percent.

Italy's ability to satisfy the needs of consumers on an international scale is shown by its high ratio of exports to GNP—foreigners buy 25 percent of everything the Italians produce.

Of its exports, 85 percent are manufactured items; the remaining 15 percent are fresh farm produce and raw materials. The only country with a higher ratio of manufactured goods to those from the farm is Japan.

Of Italy's 86,075 billion liras in exports last year ($71.7 billion at 1,200 liras to US$1), 26.1 percent was for industrial machinery; 15.8 percent for textiles and clothes; 11.4 percent for transport equipment; 9.2 percent for metallurgical products; 7.2 percent for processed food; 7.2 percent for chemical products; 6.6 percent for products made from petroleum and coal derivatives; and 16.7 percent for miscellaneous products.

Italy's markets shifted somewhat in 1981. Whereas 49 percent of all exports went to EC countries in 1980, only 43.2 percent were bought by this market in 1981. Four of these percentage points moved over to the OPEC countries and the other two to developing countries in Latin America and Asia.

Italy's top 10 customers last year were West Germany with 15.5 percent of total exports; France with 13.6 percent; the United States, 6.8 percent; Libya, 5.8 percent; Great Britain, 5.8 percent; Switzerland, 4 percent; the Netherlands, 3 percent; Saudi Arabia, 3 percent; Belgium-Luxemburg, 2.8 percent, and Austria, 2.2 percent.

The next five were Algeria, Iraq, the Soviet Union, Spain and Greece.

FASHION

Among the world's creators of wearing apparel, the Italians seem to have won the eternal battle to design the most appealing, wearable and saleable—especially for the young, which nowadays includes almost anyone who is drawn to an easy, laid-back elegance, a sense of freedom in appearance and comfort in cut. Unexpected colors, patterns, materials and textures are used together with a pleasing, functional result.

"Armani takes a realistic approach to design," says Gini Alhadeff, an official spokesman for Giorgio Armani, undoubtedly today's idol among Italian designers, and thus, in the opinion of many, the idol of the fashion world.

"Armani has a talent for using familiar elements of clothes and giving them an immediacy," Alhadeff says. "He has not wanted to revolutionize men's clothing. He gives conservative men something new that is still conservative. In a sense, he took the starch out of men's suits."

Other top designers who are responsible for the new Italian look in clothes include Ferré, Versace, Basile, Missoni, Krizia, Fendi and Valentino.

Designers of classic high-fashion clothes are much in demand in their traditional markets as well as in new ones. Emilio Pucci, for example, is finding a new following in Finland, Singapore and Japan. "The Japanese market is growing," Pucci says. "The Japanese have developed a discriminating taste for Western clothes."

Brioni of Rome, which has dressed the most distinguished men of Europe for the past 40 years, now exports to 20 countries. With suits that start at $1,200, sales worldwide reached approximately 50,000 last year—15,000 of which were in the United States. In addition to selling in exclusive men's shops throughout the United States, Brioni of Rome recently opened its own shop in New York on Park Avenue.

Though secondary to men's clothes in volume, Brioni's line of women's suits is also gaining in popularity; they are now sold in eight shops in the United States alone.

Ermenegildo Zegna, a world leader in top quality clothes, with sales of more than $100 million a year, now distributes to his own boutiques in Paris, London, Lugano, Hong Kong, Singapore, Japan and Melbourne, Australia.

For active sportswear, Ellessee manufactures in Italy and exports to its own stores in France, Spain, the United States, Japan, Argentina and Bulgaria. The company also has importers and representatives in at least 16 other countries.

Italian exports of ready-to-wear clothing made from textiles amounted to $2 billion in 1981; sweaters, underwear and stockings, $2.3 billion; textiles, $1.89 billion; and yarns, $1 billion.

Italian designers have also expanded their product lines. Armani had such success with a fragrance he created for men—total sales in Europe by the end of May, 1982, had reached $2.2 million—that he will market a new Armani fragrance next spring.

Krizia has a new fragrance on the market, and Versace has just announced a perfume for women.

WINES

Because of its soil and climate Italy produces a tremendous variety of grapes, and it

makes and exports more wine than any country in the world.

In 1981, Italy exported more than 500 million gallons (19 million hectoliters) with revenues of over $772.5 million (927 billion liras)—a 36 percent increase over 1980 and a 7 percent increase over 1979.

France came in a distant second, exporting 238 million gallons (9 million hectoliters). Spain was the third largest wine producer, followed by the Soviet Union, Argentina, the United States, Portugal, Romania, Chile and South Africa.

Italy's biggest customer for wine was France, importing 195 million gallons (7.4 million hectoliters); Germany was next, followed by the United States, the Soviet Union and Switzerland.

Lovers of Italian wines have been shifting their preferences over the past few years. The sparkling red Lambruscos still dominate, but the whites have been gaining.

The special wines from smaller or lesser-known wineries have also started to move into the international market.

Mastroberardino's Lacryma Christi del Vesuvio, made from grapes from the slopes of Mount Vesuvius, can now be found in the best restaurants of Europe, the United States and Japan. "The sulfur in the soil here gives our Greco di Tufo white wine the exquisite taste of peach and almond," explains Antonio Mastroberardino, export division manager of the 200-year-old wine cellar that has been owned and operated by the Mastroberardino family for more than 100 years.

NOTES ON THE ECONOMY

At the end of January, or barely two months after its inception, the Fanfani government scored an impressive breakthrough: together with representatives of trade unions and employer' associations, it signed a unique document which bears all the marks of a social pact. Though it is heralded as a clear victory by the three concerned parties, doubts still linger as to the costs involved for each of them, especially regarding its real anti-inflationary thrust. Even so, there is no denying that it was a significant step towards institutionalizing consensus in a country where social strife has for years represented the major stumbling block hampering progress toward the goal of lower inflation.

The major concession made by labor regards a correction of the sliding scale mechanism designed to moderate its impact on the wage-price spiral. This was done by lowering the flat amount paid to all workers by 15 per cent as compensation for each one-point increase in the cost-of-living index (1982=100). Unfortunately, there was no change in the basic structure of the mechanism, which has often been criticized for its leveling effect on wage differentials. Another promise made by labor was to try to keep down settlements in the current round of wage negotiations to the extent needed in order to avoid an overall wage increase (including the escalator) of more than 13 per cent for the current year and 10 per cent for 1984. The government agreed to introduce a new income-tax schedule favoring the lower brackets, chiefly through more generous deductions, and also, from now on, to keep down increases in administered prices to within 13 per cent.●

EL SALVADOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 30 minutes.

Mr. GONZALEZ. Mr. Speaker, vast tragedies start in small ways. As a matter of fact, the famous English historian A. J. P. Taylor in describing the beginnings of our latter wars has said they have all had ragged beginnings.

President Reagan is leading the United States inch by inch into an absolutely unlimited commitment to a corrupt, ineffective, lawless regime in El Salvador.

First, it was 55 military advisers. Now it is two and a half dozen doctors, military doctors, who are being sent for—Mr. Reagan's words—"humanitarian reasons."

Now and again it is a few tens or dozens of millions of additional dollars each time the commitment is bigger because with each passing day the Government of El Salvador is less legitimate, less effective, and less capable.

□ 1910

The time to stop this kind of nonsense is right now. The people of El Salvador, like anybody else, us included, want a legitimate government, one of law, one of justice. They want an end to torture, to arbitrary arrest and routine murders in the night. They want to see honest courts. They want economic justice. These are the same kinds of things that we would want if we lived there ourselves. Any government that systematically denies these things cannot last. We should have learned that from the warning of Stilwell in the Far East in the case of China. We should have learned it in Vietnam. We should certainly have learned it, above all, in Nicaragua, a country where our presence was obliterative. We had more American-trained military in Nicaragua than in all of those countries put together, and yet that regime we were propping up went down to a point where we really now have a situation. We should have learned in Iran. But no. Here we go again, repeating the mistakes.

How can it happen? For one thing, because Congress has abdicated its responsibilities. We do not invoke the limitations of the War Powers Act. There is no movement afoot, even though at this very point, as I brought out last week, the Reagan administration is in outright violation of the plain terms of the act. We do not cut off funds. We do not object. Everyone is waiting for the big outrage. But we should know, by now, that the time to act is when the problem is relatively small, not when it has gotten out of hand. The time to act is before our commitment is so big that we cannot withdraw at all. The time to act is before corrupt gangsters have wormed their way under our skin.

When does Congress act? When we have 100, 500, 1,000 troops in El Salvador? After the 5th or the 500th casualty? None of these. The time to act is when we dole out the first dollar to gangsters who carry nothing but the banner of anti-Marxism to hide their corruption. The time to act is on the first opportunity to help people meet their legitimate needs, not stand with those who oppress and degrade our fellow human beings. Which one of us would not rebel if we were in El Salvador?

It is clear that the President has taken everything on a commitment to the same rightwing forces that have oppressed and corrupted El Salvador for 50 years or more, who have murdered archbishops, nuns, priests, and over 40,000 innocent children, young boys, girls, peasants, who would not know what Marxist-Leninism would look like, much less mean. He has fired Thomas Enders, who is as tough as they come in the State Department nowadays. After all, he was the one who directed a good part of that so-called secret war in Cambodia.

Why did he fire him? Because Enders sees a danger in El Salvador, sees that there is a need for change in our policy. He has fired the Ambassador. Why? Because he wants to make it clear that the only news he wants is good news, which we see ample demonstration of here domestically. He insists that the press report good news and not bad news because he has decreed that an economic recovery is underway. He wants to cut out of the picture the State Department, in essence, bring the conduct of Salvadoran and other policies into the White House basement, just like it was in the days of Vietnam. When a policy control moves into the White House basement, I say watch out—it means the amateurs are now in control.

It is no coincidence that at the same time President Reagan upped the ante in El Salvador and fired his professionals operating there, the rightwingers in El Salvador reinforced their own position. They understand that the United States is about to pour unlimited resources on them. They want to profit from it. Who will suffer? The people of El Salvador, and our own innocent troops sent down on one of the most atrocious assignments, even superseding the Vietnam assignment.

I have talked to some of my constituent servicemen, some of whom served not only in El Salvador but over in Lebanon, in the desert, as well as in Beirut, in the outposts in Korea, in Germany. And let me tell you that those serving and having served in El Salvador would have said 2 years ago that what happened last week in the murder of our naval second in command was inevitable. It was just a question of when and how often and whether there now is a new policy which, as one of my constituents had

told me, was the only reason why he was safe and sound, because they were so vulnerable, that the only reason that they had not been killed was because the policy was to leave them alone for the time being on both the part of the rightwingers, as well as the so-called rebels or guerrillas, or whatever you want to call them.

History will record this as one more disaster for a misguided, bullheaded United States that refuses to learn the lessons of its own past.

DR. VIKTOR BRAILOVSKY: THE INJUSTICE CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. GLICKMAN) is recognized for 5 minutes.

● Mr. GLICKMAN. Mr. Speaker, I rise once again in concern for refusenik Dr. Viktor Brailovsky. I have been following Dr. Brailovsky's case for nearly 5 years, and the circumstances of this gentleman's life have become increasingly more disturbing. Over the past 11 years, Dr. Brailovsky and his family have been harassed by the Soviets. They have been repeatedly denied permission to emigrate to Israel. The doctor himself was arrested several times and spent 11 months in jail before his final sentencing to 5 years of internal exile.

Brailovsky's last arrest occurred just after the opening of the 1981 Madrid Conference on East-West Cooperation called to reaffirm signatory nations' commitment to the Helsinki accords. This action, in addition to many others, revealed the Soviet stance: that the Soviet Jews could not place any hope in the Helsinki Pact and the human rights it upheld. They would not be able to emigrate even though the Soviet Union had committed itself to upholding such a right by signing the Helsinki accords.

At the beginning of this year, after 1½ years of imprisonment, Brailovsky was dealt further injustice when he was refused a remission of sentence for good behavior. It was denied on the grounds that Dr. Brailovsky was 15 minutes late for work last September, even though he had officially reported that he was ill. Following this denial, Brailovsky received a visit from three senior officials. They stated clearly that since he was no ordinary prisoner, but one of a special category, he could not expect normal procedures applied. Dr. Brailovsky's family is now worried that the doctor's sentence will be extended. The prolongment of terms of exile without due process is unfortunately increasingly common in the Soviet Union.

The injustice of this case is exemplified even further when Brailovsky's trial is examined. His charges were brought under Article 190-1 of the RSFSR Criminal Code dealing with defamation of the Soviet State. This act is known for its broad use in prosecuting individuals who express opinions not of the Soviets' liking. In addition, documents newly found by the American Jewish Committee evidenced that the prosecution brought false charges against Brailovsky and utilized published material edited by Brailovsky totally out of context to receive the verdict brought forth. During his defense, Brailovsky refuted 28 accusations that the Soviets brought against him. In his conclusion he stated, "From the foregoing it clearly follows that in every case the bases for an accusation according to Article 190-1 are absent."

To us in the United States where justice and freedom are guiding values, violations of basic human freedoms, such as those denied Dr. Victor Brailovsky, are abhorrent. I urge President Reagan and members of his administration to utilize any possible means to press for Dr. Brailovsky's deserved freedom and his long-awaited emigration to Israel.●

NEW BULK CARGO POLICY AND COAL TRANSPORTATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Louisiana (Mrs. BOGGS) is recognized for 5 minutes.

● Mrs. BOGGS. Mr. Speaker, some individuals in the coal industry have been concerned about the impact of the proposed bulk cargo reservation policy on coal transportation costs. To require exporters and importers to ship a small percentage of their goods on U.S.-flag ships, they argue, will wipe out the U.S. coal export market.

This conclusion is based on a misunderstanding of the intent of the Competitive Shipping and Shipbuilding Act (H.R. 1242). This bill and its companion bill, S. 1000, which require U.S. exporters and importers to ship 5 percent of their goods on U.S.-flag ships in the first year of enactment, is aimed at creating a larger, competitive market for U.S.-flag vessels. Therefore, existing U.S.-flag, foreign-flag price differentials cannot be used to estimate the cost of this legislation.

The immediate impact of the legislation would be the full and efficient utilization of existing U.S.-flag shipping capability. It would allow operators to use cost-saving techniques such as long-term charters, and arranging for backhaul cargoes. In addition, the vessels constructed under the bill would be the most technologically advanced ships, capable of carrying cargoes at significantly reduced rates.

An important feature of the bill is the requirement that both U.S. shipyards and vessel operators reduce costs by 15 percent, which would have an immediate and significant impact on shipping costs. To further insure that U.S.-flag rates are not too high, the Secretary of Transportation is charged with establishing guideline rates based on world market costs in consultation with an advisory panel that includes representatives of exporters and importers.

It is estimated that in the first year of the bill, increased transportation costs will add roughly 0.2 percent to the landed price of coal. Even if the U.S-flag, foreign-flag differential reached $14 per ton under the cargo policy established by H.R. 1242, this would result in an incremental cost increase of only 70 cents per ton.

These minimal price increases associated with U.S.-flag carriage of a share of U.S. coal exports should have little or no impact on the level of the trade.

Both the mine price of coal and domestic rail costs are higher in the United States than, for example, South Africa. In other words, U.S. coal is more expensive than that of our major competitor before it ever reaches a port, yet there is still demand for it.

As an energy product, coal is an absolute necessity to many importing nations. For this reason, they are willing to pay a range of prices for security and diversity of supply. The United States is the world's most secure supplier of coal. Australia, South Africa, and, to a lesser extent, Poland, are our major competitors in the international coal market. In Australia, up to 17 unions play a part in the coal export process; any one can stop the movement of the coal. The other two countries have obvious political problems which make them less secure sources of exports.

It has been estimated that coal importing nations are willing to pay a premium of up to 10 percent for a secure and diverse supply of coal. The cost increases associated with H.R. 1242 and S. 1000 are well within this range. In return for insignificant cost increases, U.S. coal exporters will enjoy the benefits of an efficient, reliable, domestic transportation system, adding to the security of this Nation's international trade flows.

Thank you.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. NELSON) is recognized for 5 minutes.

● Mr. NELSON of Florida. Mr. Speaker, because of an official trip to El Salvador, I am not able to be present for the vote on final passage of H.R. 3133, the HUD-independent agencies appropriations for fiscal year 1984.

If I were present, I would vote for this bill.●

REFUGEE REAUTHORIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky (Mr. MAZZOLI) is recognized for 5 minutes.

● Mr. MAZZOLI. Mr. Speaker, I wish to announce that the Subcommittee on Immigration, Refugees, and International Law which I chair has scheduled 3 days of public hearings to consider the reauthorization of the Refugee Act of 1980, which expires this year.

The hearing dates are June 7, 9, and 22.

The June 7 hearing will be devoted to the legal interpretations and applications of the refugee definition which is set forth in the Refugee Act of 1980. The witnesses for the hearings will include representatives of the Office of the Legal Counsel and the Immigration and Naturalization Service of the Department of Justice and the Bureau of Refugee Programs and the Bureau of Human Rights and Humanitarian Affairs in the Department of State. We will also receive testimony from the U.S. Coordinator for Refugee Affairs.

During the June 9 hearing we will consider the need for legislation to extend the authorization of funding for domestic resettlement programs under the Refugee Act of 1980.

Regrettably, the administration has not, at this time, submitted their legislative proposal to accomplish this objective. For this reason, I am today introducing a bill which provides a simple 3-year extension of funding authority for refugee resettlement activities. This legislation is meant only as a vehicle for the hearings we have scheduled in the event the administration's proposal is not timely submitted to Congress. My final views on the subject and those of my subcommittee colleagues will be developed during this series of legislative and oversight hearings.

On June 22, the subcommittee will receive testimony from a variety of public witnesses. The witnesses invited to testify at this hearing include: The National Governor's Association, National Association of Counties, Refugee Policy Group, National Conference of State Legislatures, and the American Council of Voluntary Agencies.

I am hopeful that, with the administration's cooperation, we will be able to conclude these hearings in June so that we can present legislation to the full House as soon as possible.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CARNEY (at the request of Mr. MICHEL), for today, on account of a death in the family.

Mrs. LLOYD (at the request of Mr. WRIGHT), for today, on account of official business.

Mr. KOLTER (at the request of Mr. WRIGHT), for today and the balance of the week, on account of medical reasons.

Mr. ADDABBO, after 5 p.m. today, on account of official business.

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 Member (at the request of Mr. GEKAS) to revise and extend his remarks and include extraneous material:)

Mr. BEREUTER, for 60 minutes, today.

(The following Members (at the request of Mr. ECKART) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 30 minutes, today.
Mr. GLICKMAN, for 5 minutes, today.
Mrs. BOGGS, for 5 minutes, today.
Mr. NELSON of Florida, for 5 minutes, today.
Mr. MAZZOLI, for 5 minutes, today.
Mr. FRANK, for 30 minutes, on June 3.
Mr. GAYDOS, for 60 minutes, on June 6.
Mr. MURTHA, for 60 minutes, on June 6.
Mr. DYMALLY, for 60 minutes, on June 7.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GONZALEZ, during consideration of the HUD section, in the Committee of the Whole today.

Ms. KAPTUR, to revise and extend her remarks on H.R. 3133.

(The following Members (at the request of Mr. GEKAS) and to include extraneous matter:)

Mr. RITTER in two instances.
Mr. MCDADE.
Mr. FRENZEL.
Mr. PHILIP M. CRANE.
Mr. COUGHLIN.
Mr. SMITH of New Jersey.
Mr. GILMAN in three instances.
Mr. PORTER.
Mr. WORTLEY.
Mr. COURTER.
Mr. CORCORAN in two instances.
Mr. WOLF.
Mr. MARTIN of North Carolina in two instances.
Mr. BEREUTER.
Mr. PETRI.
Mr. GEKAS.
Mr. DAUB.
Mr. HOPKINS.

(The following Members (at the request of Mr. ECKART) and to include extraneous matter:)

Mr. GUARINI.
Mr. RICHARDSON.
Mr. ACKERMAN.
Mr. HOYER.
Mr. MARKEY.
Mr. RODINO in two instances.
Mr. EDWARDS of California.
Mr. TALLON.
Mr. HAMILTON in three instances.
Mr. NELSON of Florida.
Mr. DE LA GARZA.
Mr. MINISH.
Mr. UDALL.
Mr. STARK in two instances.
Mr. EVANS of Illinois in five instances.
Mr. ERDREICH.
Mr. LIPINSKI.
Mr. JONES of Oklahoma.
Mr. HARRISON.
Mr. SOLARZ.
Mr. FRANK.
Ms. KAPTUR.
Mr. VENTO.
Mr. MRAZEK.
Mr. SIKORSKI.
Mr. BEILENSON.
Mr. BONIOR of Michigan.
Mr. DORGAN.
Mr. GORE.
Mr. OWENS.
Mr. DELLUMS.
Mr. SHELBY.
Mr. MCDONALD.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 18 minutes p.m.) the House adjourned until tomorrow, Friday, June 3, 1983, 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:

1269. A letter from the Assistant Secretary for Governmental and Public Affairs, Department of Agriculture, transmitting part 1 of the Secretary's annual report of the Department of Agriculture, pursuant to section 1301 of title 44, United States Code; to the Committee on Agriculture.

1270. A communication from the President of the United States, transmitting his conclusions and recommendations concerning authorization requested for combatant ships requested for fiscal years 1984 and 1985, pursuant to section 810 of the Department of Defense Appropriation Authorization Act of 1979; to the Committee on Armed Services.

1271. A letter from the Acting Secretary of the Air Force, transmitting a report on the unit-cost breach incurred on the ground-launched cruise missile, pursuant to section 139b of chapter 4, title 10, United

States Code; to the Committee on Armed Services.

1272. A letter from the District of Columbia Auditor, transmitting a report entitled: "Annual Audit of the Washington Convention Center Fund," pursuant to section 455(d) of Public Law 93-198; to the Committee on the District of Columbia.

1273. A letter from the Secretary of Education transmitting the annual report by the National Center for Education Statistics on the condition of education, pursuant to section 406(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

1274. A letter from the Secretary of Education, transmitting the fifth annual report of the Department's Office of Special Education and Rehabilitative Services on the progress being made toward the provision of a free appropriate public education to all handicapped children, pursuant to section 618(d)(1) of Public Law 94-142; to the Committee on Education and Labor.

1275. A letter from the President, Gallaudet College, transmitting the 1981-82 annual report for the Division of Pre-College Programs, pursuant to section 1053(c), 31 D.C. Code; to the Committee on Education and Labor.

1276. A letter from the Secretary of Energy, transmitting a report on activities undertaken with respect to the strategic petroleum reserve under the SPR Amendments Act of 1981, pursuant to section 165(b) of the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

1277. A letter from the Secretary of Housing and Urban Development, transmitting the semiannual report on the activities of the Office of Inspector General covering the period ending March 31, 1983, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

1278. A letter from the Secretary of Transportation, transmitting the semiannual report on the activities of the Office of Inspector General covering the period ending March 31, 1983, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

1279. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report on the activities of the Office of the Inspector General for the period ending March 31, 1983, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

1280. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the semiannual report on the activities of the Office of Inspector General covering the period ending March 31, 1983, pursuant to section 5(b) of Public Law 95-452; to the Committee on Government Operations.

1281. A letter from the Inspector General, Department of Health and Human Services, transmitting the first semiannual report on the activities of his office covering the period ending March 30, 1983, pursuant to section 204(a) of Public Law 94-505, as amended; to the Committee on Government Operations.

1282. A letter from the Chairman, Federal Election Commission, transmitting the 1982 annual report on the activities of the Commission, pursuant to section 311(a)(9) of Public Law 92-225; to the Committee on House Administration.

1283. A letter from the Secretary Treasurer, Congressional Medal of Honor Society, transmitting the annual audit report of the society for calendar year 1982, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

1284. A letter from the Chairman, Federal Maritime Commission, transmitting a report on the enforceability of change in the definition of "independent ocean freight forwarder," pursuant to section 1608(c) of Public Law 97-35; to the Committee on Merchant Marine and Fisheries.

1285. A letter from the Executive Director, President's Commission on Executive Exchange, transmitting a draft of proposed legislation to repeal the termination provision on use of participating fees by the President's Commission on Executive Exchange; to the Committee on Post Office and Civil Service.

1286. A letter from the Deputy Administrator, General Services Administration, transmitting prospectuses for leasing space for the U.S. courts in Santa Ana, Calif., and for the Food and Drug Administration in Atlanta, Ga., pursuant to section 7(a) of Public Law 86-249, as amended; to the Committee on Public Works and Transportation.

1287. A letter from the Deputy Administrator, Federal Highway Administration, transmitting a copy of the final published edition of the 1982 report on "Overweight Vehicles—Penalties and Permits, An Inventory of State Practices," pursuant to section 123 of Public Law 95-599; to the Committee on Public Works and Transportation.

1288. A letter from the Director, National Science Foundation, transmitting the first annual report on the activities of the Committee on Equal Opportunities in Science and Technology, pursuant to section 36(f) of Public Law 96-516; to the Committee on Science and Technology.

1289. A letter from the Secretary of State, transmitting the third report on the professional development programs of the State Department, the Agency for International Development, the International Communication Agency, the Foreign Agricultural Service, and the Foreign Commercial Service, pursuant to section 703 of Public Law 96-465; jointly, to the Committee on Foreign Affairs and Post Office and Civil Service.

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. ROYBAL: Committee on Appropriations H.R. 3191. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1984, and for other purposes (Rept. No. 98-229). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 2797 referred to the Committee on the Judiciary for a period ending not later than June 15, 1983, for consideration of such provisions of the amendment inserting a new section 213 as fall within the jurisdiction of that committee pursuant to clause 1(m) of rule X.

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 (by request):

H.R. 3190. A bill to establish an improved program for Extra Long Staple cotton; to the Committee on Agriculture.

By Mr. ROYBAL:

H.R. 3191. A bill making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1984, and for other purposes.

By Mr. EDWARDS of Oklahoma:

H.R. 3192. A bill to amend title 20 of the United States Code to require certain minimum standards of academic achievement and school administration and for other purposes; to the Committee on Education and Labor.

By Mr. GILMAN:

H.R. 3193. A bill to provide equitable treatment for certain fresh vegetables produced in the United States; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. WRIGHT, Mr. BENNETT, Mr. BROOKS, Mr. DE LA GARZA, and Mr. ORTIZ):

H.R. 3194. A bill to provide for the protection of any historic shipwreck or historic structure located on the seabed or in the subsoil of the lands beneath navigable waters within the boundaries of the United States; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. MAZZOLI:

H.R. 3195. A bill to amend the Immigration and Nationality Act to extend for 3 years the authorization of appropriations for refugee assistance; to the Committee on the Judiciary.

By Mr. PEASE (for himself, Mr. APPLEGATE, Mr. ECKART, Mr. FEIGHAN, Mr. HALL of Ohio, Ms. KAPTUR, Mr. KINDNESS, Mr. LUKEN, Ms. OAKAR, Mr. REGULA, Mr. SEIBERLING, Mr. STOKES, Mr. WILLIAMS of Ohio, and Mr. WYLIE):

H.R. 3196. A bill to repeal the change made by the Omnibus Budget Reconciliation Act of 1981 in the method of computing the rate of insured unemployment for purposes of the Federal-State Extended Unemployment Compensation Act of 1970; to the Committee on Ways and Means.

H.R. 3197. A bill to repeal the changes made by the Omnibus Budget Reconciliation Act of 1981 in the State trigger provisions of the Federal-State Extended Unemployment Compensation Act of 1970; to the Committee on Ways and Means.

By Mr. QUILLEN:

H.R. 3198. A bill to commemorate the historic trail route of Daniel Boone; to the Committee on Interior and Insular Affairs.

By Mr. WOLF:

H.R. 3199. A bill to authorize a study of the feasibility of an additional lane on the Theodore Roosevelt Bridge over the Potomac River; to the Committee on Public Works and Transportation.

By Mr. ECKART (for himself and Mr. WAXMAN):

H.R. 3200. A bill to amend the Safe Drinking Water Act (title XIV of the Public Health Service Act) to authorize appropriations for the fiscal years 1984 through 1987, to insure the prompt promulgation of drinking water regulations, to improve enforcement procedures, and to provide greater protection for underground sources of drinking water; to the Committee on Energy and Commerce.

By Mr. HAMMERSCHMIDT:

H.R. 3201. A bill to repeal the Davis-Bacon Act, and for other purposes; to the Commerce on Education and Labor.

H.R. 3202. A bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to stone mining operations or to sand and gravel mining operations; to the Committee on Education and Labor.

H.R. 3203. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and Labor.

H.R. 3204. A bill to permit the review of regulatory rules and regulations by the Congress; to the Committee on Government Operations.

H.R. 3205. A bill to amend title 11, United States Code, to establish an improved basis for providing relief under chapter 7, and for other purposes; to the Committee on the Judiciary.

H.R. 3206. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

H.R. 3207. A bill to establish a Severe Storms Advisory Committee to review, on an annual basis, the severe storms research and operations activities of the Federal Government; to the Committee on Science and Technology.

H.R. 3208. A bill to provide for the safeguarding of taxpayer rights, and for other purposes; to the Committee on Ways and Means.

H.R. 3209. A bill to amend the Internal Revenue Code of 1954 to encourage higher education, and particularly the private funding thereof, by authorizing a deduction from gross income of reasonable amounts contributed to a qualified higher education fund established by the taxpayer for the purpose of funding the higher education of his dependents; to the Committee on Ways and Means.

H.R. 3210. A bill to authorize the President to impose a tariff surcharge on the products of certain countries in order to offset the expense of providing U.S. defense assistance to such countries; to the Committee on Ways and Means.

H.R. 3211. A bill to amend the Internal Revenue Code of 1954 to encourage the employment of handicapped individuals by providing a tax credit for a certain portion of the wages paid to such individuals; to the Committee on Ways and Means.

H.R. 3212. A bill to amend the Internal Revenue Code of 1954 to provide that the amount of the charitable deduction allowable for expenses incurred in the operation of a highway vehicle will be determined in the same manner as the business deduction for such expenses; to the Committee on Ways and Means.

H.R. 3213. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in higher education; to the Committee on Ways and Means.

H.R. 3214. A bill to amend title XVIII of the Social Security Act to include, as a home health service, nutritional counseling provided by or under the supervision of a registered dietitian; jointly, to the Committees on Ways and Means and Energy and Commerce.

H.R. 3215. A bill to amend the Internal Revenue Code of 1954 to regulate and limit collection procedures of the Internal Revenue Service in order to provide protection of taxpayer civil rights, and for other purposes; jointly, to the Committees on Ways and Means and the Judiciary.

H.R. 3216. A bill to provide a temporary exemption from certain provisions of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1954 relating to prohibited transactions for the purchase of certain bonds sold to fund residential mortgages and domestic motor vehicle loans and to provide for interest reduction payments by the Secretary of Housing and Urban Development to assist with the financing of the purchase of certain residential dwellings and domestic motor vehicles; jointly, to the Committees on Education and Labor; Ways and Means; and Banking, Finance and Urban Affairs.

H.R. 3217. A bill to provide for congressional review of all regulations relating to costs and expenditures for health care, reimbursements to individuals or providers of health care, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, and Rules.

By Mr. WOLPE (for himself, Mr. WALGREN, Mr. MOAKLEY, Mr. DWYER of New Jersey, Mr. MURPHY, Mr. BOLAND, Mr. FRANK, Mr. OBERSTAR, Mr. COYNE, Mr. KILDEE, Mr. FAZIO, Mr. LUNDINE, Mr. KASTENMEIER, Mr. MOLLOHAN, Mr. YATRON, Mr. SCHUMER, Mr. BONIOR of Michigan, Mr. SOLARZ, Mr. CONYERS, Mr. MITCHELL, Mr. CARNEY, Mr. WEISS, Mr. HERTEL of Michigan, Mr. LEVIN of Michigan, Mrs. HALL of Indiana, and Ms. KAPTUR):

H.R. 3218. A bill to establish a Federal annuity program to compensate participants in private pension plans which terminated before September 2, 1974, for nonforfeitable pension benefits which were lost by reason of the terminations, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. HAMMERSCHMIDT:

H.J. Res. 287. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling the attendance of a student in a public school other than the public school nearest the residence of such student; to the Committee on the Judiciary.

H.J. Res. 288. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

By Mr. LEACH of Iowa (for himself, Mr. CONTE, and Mr. BARNES):

H.J. Res. 289. Joint resolution expressing the sense of the Congress with respect to international efforts to further a revolution in child health; to the Committee on Foreign Affairs.

By Mr. FISH:

H. Con. Res. 133. Concurrent resolution recognizing September 3, 1983, as the 200th anniversary of the signing of the Treaty of Paris; to the Committee on Post Office and Civil Service.

By Mr. DAUB (for himself, Mr. PRITCHARD, Mr. NATCHER, Mr. LEWIS of Florida, Mr. CLINGER, Mr. FIELDS, Mr. CHENEY, Mr. ROBERTS, Mr. WEBER, Mr. WOLF, Mr. SHUMWAY, Mr. KINDNESS, Mr. BROWN of Colorado, Mr. SKEEN, Mr. KEMP, Mr. MARLENEE, Mr. WHITTAKER, Mr. ALBOSTA, Mr. WHITEHURST, Mr. KRAMER, Mr. EMERSON, Mr. DUNCAN, Mr. MORRISON of Washington, Mr. FEIGHAN, Mr. HILER, Mr. LUNGREN, Mr. DENNY SMITH of Oregon, Mr. ROE, Mr. LOEFFLER, Mr. TAUKE, Mr. DASCHLE, Mr. LAGOMARSINO, Mr. SPENCE, Mr. SMITH of New Jersey, Mr. CAMPBELL, Mr. WORTLEY, Mr. STANGELAND, Mr. NICHOLS, Mr. MCEWEN, Mr. HAMMERSCHMIDT, Mr. WILLIAMS of Ohio, Mr. MILLER of Ohio, Mr. HANSEN of Idaho, Mr. HANSEN of Utah, Mr. WILSON, Mr. HUCKABY, Mr. STENHOLM, Mr. LOWERY of California, Mr. DICKINSON, Mrs. SMITH of Nebraska, Mr. BEREUTER, Mr. COATS, Mr. ROGERS, Mr. KOGOVSEK, Mr. DANIEL, Mr. TOWNS, Mr. HARTNETT, Mr. DYSON, Mrs. MARTIN of Illinois, Mr. BEDELL, Mr. MCGRATH, Mr. REGULA, Mr. MCCOLLUM, Mr. CORCORAN, Mr. HUNTER, Mr. PAUL, and Mr. AUCOIN):

H. Res. 216. Resolution expressing the sense of the House of Representatives that the changes in the Federal estate tax laws made by the Economic Recovery Tax Act of 1981 should not be modified; to the Committee on Ways and Means.

By Mr. DYMALLY:

H. Res. 217. Resolution expressing the sense of the House of Representatives that the Committee on the Judiciary of the House of Representatives should conduct hearings on the subject of governmental intervention in religious affairs in the United States; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H. Res. 218. Resolution to amend the Rules of the House of Representatives to establish the Committee on Internal Security, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

159. By the SPEAKER: Memorial of the General Assembly of the State of Maryland, relative to natural gas prices; to the Committee on Energy and Commerce.

160. Also, memorial of the Legislature of the State of New Hampshire, relative to Federal restrictions on the use of marihuana; to the Committee on Energy and Commerce.

161. Also, memorial of the Legislature of the State of Oregon, relative to military aid to El Salvador; to the Committee on Foreign Affairs.

162. Also, memorial of the Legislature of the State of Oklahoma, relative to contingency tax on domestic oil; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GORE:

H.R. 3219. A bill for the relief of Arturo N. Ruanto; to the Committee on the Judiciary.

By Mrs. JOHNSON:

H.R. 3220. A bill for the relief of Herman J. Fonteyne; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 3221. A bill for the relief of Harvey E. Ward; 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. 75: Mr. PANETTA.

H.R. 171: Mr. DE LUGO.

H.R. 223: Mr. EVANS of Illinois.

H.R. 459: Mr. BONKER, Ms. OAKAR, Mr. SWIFT, Mr. PERKINS, and Mr. SIMON.

H.R. 471: Mr. WINN.

H.R. 491: Mr. YOUNG of Florida.

H.R. 493: Mr. DYSON and Mr. DUNCAN.

H.R. 622: Mr. BARTLETT and Mr. SMITH of New Jersey.

H.R. 657: Mr. DREIER of California.

H.R. 663: Mr. EMERSON.

H.R. 679: Mr. MCDONALD and Mr. MCCOLLUM.

H.R. 800: Mr. ALEXANDER, Mr. LUNGREN, Mr. DOWNEY of New York, Mr. SOLARZ, Mr. BORSKI, Mr. EDWARDS of Oklahoma, Mr. WEAVER, Ms. MIKULSKI, Mr. MAVROULES, Mr. MAZZOLI, Mr. ROE, Mr. MCCLOSKEY, Mr. PICKLE, Mr. HOWARD, Mr. WILLIAMS of Montana, and Mr. VANDER JAGT.

H.R. 877: Mr. SHUMWAY.

H.R. 898: Mr. AUCOIN, Mr. DANIEL, Mr. DUNCAN, Mr. EDGAR, Mr. GRADISON, Mr. JACOBS, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. MORRISON of Washington, Mr. NIELSON of Utah, Mr. OWENS, Mr. VANDERGRIFF, Mr. RATCHFORD, Mr. CHANDLER, Mr. BILIRAKIS, Mr. KOGOVSEK, Mr. SIMON, and Mr. WON PAT.

H.R. 951: Mr. MOLLOHAN and Mr. NEAL.

H.R. 953: Mr. PURSELL, Mr. TOWNS, Mr. MCDADE, Mr. MCHUGH, and Mr. RODINO.

H.R. 1016: Mr. BENNETT, Mr. LELAND, Mr. ANDERSON, and Mr. WOLF.

H.R. 1092: Mr. STANGELAND, Mr. WHITEHURST, and Mr. WILSON.

H.R. 1199: Mr. ZABLOCKI, Mr. LIPINSKI, Mrs. COLLINS, Mr. GEKAS, Mr. DYSON, and Mr. TRAXLER.

H.R. 1373: Mr. BONKER.

H.R. 1397: Mr. SUNIA, Mr. PRITCHARD, Mr. WHEAT, Mr. YATES, Mr. FORD of Tennessee, Mr. OTTINGER, Mr. WYDEN, Ms. KAPTUR, Mr. OWENS, Mr. PEPPER, Mr. KILDEE, Mr. BRITT, Mr. DE LUGO, Mr. FAUNTROY, Mr. OBERSTAR, Mrs. COLLINS, Mr. LEVIN of Michigan, Mr. FRANK, Mr. SIMON, Mr. WON PAT, Mr. CORRADA, Mr. FAZIO, Mr. MRAZEK, Mr. ACKERMAN, Mr. DWYER of New Jersey, Mr. WEISS, Mrs. BOXER, Mr. SMITH of Florida, Mr. HOYER, Mr. HYDE, Mr. FRENZEL, Mr. FEIGHAN, Mr. MITCHELL, Mr. WEAVER, Mr. RANGEL, Mr. EDWARDS of California, Mr. NEAL, Mr. SOLARZ, Mr. WHITTAKER, Mr. MCNULTY, Mr. MINETA, Mr. LANTOS, Mr. WILLIAMS of Montana, Mr. EVANS of Illinois, Mr. RAHALL, Mr. PATTERSON, Mr. CARR, Mr. RATCHFORD, Mr. SCHEUER, Mr. BERMAN, Mr. GUARINI, Mr. GOODLING, Mr. SIKORSKI, Ms. FERRARO, Mr. LEVINE of California, Mr. ROSE, and Ms. SNOWE.

H.R. 1407: Mr. BEDELL.

H.R. 1415: Mr. BLILEY and Mr. JENKINS.

H.R. 1436: Mr. MORRISON of Connecticut.

H.R. 1444: Mr. WORTLEY and Mr. TAUKE.

H.R. 1452: Mr. DORGAN.

H.R. 1453: Mr. ROE.

H.R. 1663: Mr. DANNEMEYER, Mr. FEIGHAN, and Mr. BARTLETT.

H.R. 1693: Mr. YATRON, Mr. GARCIA, and Mr. RANGEL.

H.R. 1720: Mr. HUGHES and Mr. ROE.

H.R. 1787: Mr. FRANKLIN and Mr. GOODLING.

H.R. 1881: Mr. BARNARD, Mr. BATEMAN, Mr. CARPER, Mr. DICKINSON, Mr. DYSON, Mr. EDWARDS of Oklahoma, Mr. FRANKLIN, Mr. GOODLING, Mr. JEFFORDS, Mr. KOLTER, Mr. MCHUGH, Mr. PURSELL, Mr. RICHARDSON, and Mr. STAGGERS.

H.R. 1920: Mr. FRENZEL, Mr. RIDGE, Mr. TORRICELLI, and Mrs. MARTIN of Illinois.

H.R. 1937: Mr. MCNULTY.

H.R. 2069: Mr. CROCKETT and Mr. MURPHY.

H.R. 2088: Mr. BATEMAN.

H.R. 2093: Mr. LEHMAN of Florida, Mr. LELAND, Mr. LAFALCE, Ms. OAKAR, Mr. CORRADA, Ms. SNOWE, Ms. FERRARO, and Mr. NEAL.

H.R. 2118: Mr. LOWERY of California.

H.R. 2126: Mr. NEAL and Mr. PATTERSON.

H.R. 2127: Mr. NEAL and Mr. PATTERSON.

H.R. 2138: Mr. MOLLOHAN.

H.R. 2168: Mr. BIAGGI.

H.R. 2225: Mr. YOUNG of Alaska, Mr. ROBERTS, Mr. ZSCHAU, Mr. BENNETT, and Mr. PHILIP M. CRANE.

H.R. 2236: Mr. EDGAR, Mr. FLORIO, Mr. LOWRY of Washington, Mr. MARKEY, Mr. MAVROULES, Mr. SHANNON, Mr. STUDDS, Mr. SYNAR, and Mr. WATKINS.

H.R. 2242: Mr. LELAND, Mr. BONER of Tennessee, Mr. SOLARZ, Ms. KAPTUR, Mr. OWENS, Mr. STOKES, Mr. FAUNTROY, Mr. FORD of Tennessee, Mr. LEVIN of Michigan, Mr. SIMON, Mr. BARNES, Mr. ACKERMAN, Ms. SNOWE, Mr. DWYER of New Jersey, Mrs. HALL of Indiana, Mr. WEISS, Mr. CROCKETT, Mr. LEHMAN of Florida, Mr. NEAL, Mr. RANGEL, Mr. MINETA, Mr. EDWARDS of California, Mrs. BOXER, Mr. GEJDENSON, Mr. BERMAN, Mr. GUARINI, Mr. SIKORSKI, Mr. WYDEN, Ms. FIEDLER, Mr. LAFALCE, and Mr. CORRADA.

H.R. 2262: Mr. BOSCO, Mrs. BOXER, Mr. COLEMAN of Texas, Mr. DORGAN, Mr. FIELDS, Mr. HARTNETT, Mr. JONES of Tennessee, Mr. KASICH, Mr. LEATH of Texas, Mr. MARLENEE, Mr. PARRIS, and Mr. ROBINSON.

H.R. 2300: Ms. FERRARO, Mr. NEAL, Mr. STUDDS, Ms. SNOWE, and Mr. MORRISON of Connecticut.

H.R. 2321: Mr. MARLENEE.

H.R. 2322: Mr. MARLENEE.

H.R. 2323: Mr. NEAL.

H.R. 2374: Mr. NEAL and Mr. LEVIN of Michigan.

H.R. 2382: Mr. BROYHILL, Mr. FIELDS, Mr. SMITH of New Jersey, Mr. SAWYER, Mr. BENNETT, Ms. SNOWE, Mr. DAVIS, and Mr. ROBERT F. SMITH.

H.R. 2428: Mr. DORGAN, Mr. MADIGAN, Mr. BEDELL, Mr. CRAIG, Mr. BEVILL, Mr. DAUB, Mr. FORSYTHE, and Mr. WHITTAKER.

H.R. 2432: Mr. BIAGGI, Mr. BATEMAN, Mr. MOORHEAD, Mr. FOGLIETTA, Mr. LONG of Maryland, Mr. WALGREN, Mr. ROGERS, Mr. MINISH, Mr. MCEWEN, Mr. DAUB, and Mr. MCKINNEY.

H.R. 2449: Mr. SCHEUER, Mr. FRANK, Mr. COYNE, Mr. DYSON, Mr. SWIFT, Mr. AUCOIN, Mr. MILLER of California, Mr. ENGLISH, Mr. KILDEE, Mr. ACKERMAN, and Mr. MURPHY.

H.R. 2453: Mr. LEWIS of Florida and Mr. SAM HALL, Jr.

H.R. 2468: Mr. JEFFORDS, Mr. PATTERSON, Mr. WEBER, Mr. HILER, Mr. FAZIO, Mr. CARNEY, Mr. PARRIS, Mr. DYMALLY, Mr. LAFALCE, Mr. WON PAT, Mr. LEWIS of Florida, Mr. STANGELAND, Mr. FRENZEL, Mr. HYDE, and Mr. OXLEY.

H.R. 2702: Mr. PATTERSON and Mr. TAUKE.

H.R. 2715: Mr. JONES of North Carolina, Mr. MCNULTY, and Ms. SNOWE.

H.R. 2725: Mr. CLINGER and Mr. CORCORAN.

H.R. 2752: Mr. CLINGER, Mr. DREIER of California, Mr. SUNIA, Mr. CAMPBELL, and Mr. EMERSON.

H.R. 2759: Mr. SWIFT and Mr. TALLON.

H.R. 2762: Mr. LOWRY of Washington, Mr. WON PAT, Mr. FORSYTHE, Ms. FERRARO, Mr. ACKERMAN, Mr. FRANK, Mr. GREEN, Mr. STUDDS, Mr. EDWARDS of California, Mr. HORTON, Mr. RAHALL, Mr. VENTO, Mr. FAZIO, Mr. DIXON, Ms. MIKULSKI, Mr. LEHMAN of Florida, Mr. SMITH of Florida, Mr. MORRISON of Connecticut, Mr. ADDABBO, Mr. DELLUMS, Mr. OTTINGER, Mr. FORD of Tennessee, Ms. KAPTUR, Mr. LAFALCE, Mr. SWIFT, Mr. EDGAR, Mr. OWENS, Mr. MILLER of California, Mr. PANETTA, Mr. MITCHELL, Mr. KASTENMEIER, Mr. FOWLER, Mr. TOWNS, Mr. UDALL, Mr. GEJDENSON, Mr. GUARINI, Mr. LEVINE of California, Mr. CROCKETT, Mr. CORRADA, Mr. WILLIAMS of Montana, Mr. BONIOR of Michigan, Mr. BERMAN, Mr. AUCOIN, Mr. RATCHFORD, and Mr. FOGLIETTA.

H.R. 2763: Mr. LOWRY of Washington, Mr. WON PAT, Mr. FORSYTHE, Ms. FERRARO, Mr. ACKERMAN, Mr. FRANK, Mr. GREEN, Mr. STUDDS, Mr. EDWARDS of California, Mr. HORTON, Mr. RAHALL, Mr. VENTO, Mr. FAZIO, Mr. DIXON, Ms. MIKULSKI, Mr. LEHMAN of Florida, Mr. SMITH of Florida, Mr. MORRISON of Connecticut, Mr. ADDABBO, Mr. DELLUMS, Mr. OTTINGER, Mr. FORD of Tennessee, Ms. KAPTUR, Mr. LAFALCE, Mr. SWIFT, Mr. EDGAR, Mr. OWENS, Mr. MILLER of California, Mr. PANETTA, Mr. MITCHELL, Mr. KASTENMEIER, Mr. TOWNS, Mr. UDALL, Mr. GEJDENSON, Mr. GUARINI, Mr. LEVINE of California, Mr. CROCKETT, Mr. CORRADA, Mr. WILLIAMS of Montana, Mr. BONIOR of Michigan, Mr. BERMAN, Mr. AUCOIN, Mr. RATCHFORD, and Mr. FOGLIETTA.

H.R. 2814: Mr. MCNULTY.

H.R. 2871: Mr. SHELBY, Mr. KEMP, Mr. ROE, and Mr. FORSYTHE.

H.R. 2872: Mrs. COLLINS and Mr. HERTEL of Michigan.

H.R. 2916: Mr. SHELBY, Mr. HARTNETT, Mr. LIVINGSTON, Mr. STUMP, Mr. DYSON, Mr. MOLLOHAN, and Mr. LOWERY of California.

H.R. 2949: Mr. EMERSON, Mr. EVANS of Iowa, Mr. MARLENEE, Mr. WHITTAKER, Mr. LEWIS of Florida, Mr. ROBERTS, Mr. FRENZEL, and Mr. HIGHTOWER.

H.R. 3015: Mr. QUILLEN.

H.R. 3045: Ms. KAPTUR.

H.R. 3074: Mr. WORTLEY, Mr. HUGHES, Mr. BOLAND, Mr. STOKES, Ms. KAPTUR, and Mr. UDALL.

H.R. 3176: Mr. STOKES.

H.J. Res. 29: Mr. LEVIN of Michigan, Mr. WON PAT, Mr. MATSUI, Mr. MINETA, Mr. DURBIN, Mr. CHAPPIE, Mr. PANETTA, Mr. WORTLEY, Mr. THOMAS of Georgia, and Mr. WIRTH.

H.J. Res. 51: Mr. LELAND and Mr. TAUKE.

H.J. Res. 69: Mr. MARTIN of New York, Mr. CORRADA, Mr. HALL of Ohio, Mr. WOLF, Mr. SMITH of New Jersey, Mr. LAGOMARSINO, Mr. DOWDY of Mississippi, Mr. ROE, Mr. BROYHILL, Mr. TAUKE, Mr. HATCHER, Mr. DWYER of New Jersey, Mr. WINN, Mr. BOLAND, Mr. PORTER, Mr. GUNDERSON, Mr. SIMON, Mr. BURTON, Mr. KINDNESS, Mr. CARNEY, Mr. ROBINSON, Mr. MCGRATH, Mr. ALBOSTA, Mr. WORTLEY, Mr. CONTE, Mr. SUNIA, Mr. VANDERGRIFF, Mr. DUNCAN, Mr. ERLENBORN, Mr. NIELSON of Utah, Mr. GUARINI, Mr. HUGHES, Mr. SKELTON, Mr. LIPINSKI, Mr. MCNULTY, Mr. RINALDO, Mr. BOEH-

LERT, Mr. ADDABBO, Mr. ALEXANDER, Mr. ARCHER, Mr. BARNARD, Mr. BEDELL, Mrs. LLOYD, Mrs. BYRON, Mr. CORCORAN, Mr. DANIEL B. CRANE, Mr. DANIEL, Mr. DICKINSON, Mr. FUQUA, Mrs. COLLINS, Mr. HAMMERSCHMIDT, Mr. HANSEN of Idaho, Mr. JONES of Tennessee, Mr. JEFFORDS, Mr. FORD of Tennessee, Mr. WHITTAKER, Mr. DEWINE, Mr. FISH, Mr. LEWIS of California, Mr. STAGGERS, Mr. LOWERY of California, Mr. SILJANDER, Mr. MADIGAN, Mr. MATSUI, Mr. MILLER of Ohio, Mr. NEAL, Mr. PEPPER, Mr. PRICE, Mr. MOLINARI, Mr. MILLER of California, Mr. SAWYER, Mr. SNYDER, Mr. TRAXLER, Mr. WHITEHURST, Mr. WHITTEN, Mr. RUDD, Mr. HUTTO, Mr. LEWIS of Florida, Mr. MCCAIN, Mr. KASICH, Mr. ANNUNZIO, Mr. HORTON, Mr. ROEMER, Mr. KAZEN, Mr. KEMP, Mr. HYDE, Mr. ROBERTS, Mr. STUMP, Mr. CHANDLER, Mr. WEBER, Mr. VANDER JAGT, Mr. SMITH of Florida, Mr. FORSYTHE, Mr. COATS, Mr. WYLIE, Mr. BETHUNE, Mr. SOLARZ, Mr. BEVILL, Mr. YATRON, Mr. REID, Mr. MCDONALD, Mr. RITTER, Mr. MAZZOLI, Mr. BARTLETT, Mr. MOLLOHAN, Mr. FOLEY, Mr. SHUMWAY, Mr. GOODLING, Mr. MCDADE, Mr. LEVIN of Michigan, Mr. TALLON, Mr. LEVINE of California, Mr. WAXMAN, Mr. LANTOS, Mr. MONTGOMERY, Mr. PASHAYAN, Mr. FLIPPO, Mr. MURPHY, Mr. MOORHEAD, Mrs. HOLT, Mr. STANGELAND, Mr. ROGERS, Mr. HILER, Mr. PARRIS, Mr. PATTERSON, Mr. BLILEY, Mr. THOMAS of Georgia, Ms. FERRARO, Ms. MIKULSKI, Ms. OAKAR, Mr. DAUB, Mr. DE LA GARZA, Mr. DANNEMEYER, Mr. BARNES, Mr. OWENS, Mrs. VUCANOVICH, Mr. GEKAS, Mr. ANDERSON, and Mr. BONER of Tennessee.

H.J. Res. 103: Mr. JONES of North Carolina.

H.J. Res. 120: Mr. PANETTA.

H.J. Res. 139: Mr. MCCLOSKEY, Mr. LOWRY of Washington, Mr. BRITT, Mr. GRADISON, Mr. PRITCHARD, Mr. ROBERTS, Mr. SOLARZ, Mr. DOWNEY of New York, Mr. GARCIA, Mr. MARTIN of North Carolina, Mr. JONES of North Carolina, and Mr. LEACH of Iowa.

H.J. Res. 168: Mr. SPENCE, Mr. YOUNG of Florida, Mr. BROWN of Colorado, Mr. YOUNG of Alaska, Mr. HYDE, Mr. LEVIN of Michigan, Mr. GINGRICH, and Ms. MIKULSKI.

H.J. Res. 201: Mr. TAUKE, Mr. VANDER JAGT, Mr. WALGREN, Mr. PATTERSON, Mr. STUDDS, Mr. WYDEN, Mr. OWENS, Mr. DYSON, Mr. DANIEL B. CRANE, Mr. MADIGAN, Mrs. KENNELLY, Mr. LATTA, Mr. LEHMAN of California, Mr. SILJANDER, Ms. FIEDLER, Mr. DEWINE, Mr. ANDERSON, Mr. MCKINNEY, Mr. MCEWEN, Mr. COYNE, Mr. FIELDS, Mr. WYLIE, Mr. DREIER of California, Mr. CAMPBELL, Mrs. COLLINS, Mr. ROYBAL, Mr. HUTTO, Mr. FOGLIETTA, Mr. LUNGREN, Mr. NEAL, Mr. SPENCE, Mr. BADHAM, Mr. WILLIAMS of Ohio, Mr. PAUL, Mr. GRADISON, Mr. RAHALL, Mr. WINN, Mr. WHITEHURST, Mr. BONKER, Mr. CARR, Mr. FROST, Mr. SYNAR, Mr. LUNDINE, Mr. MOLINARI, Mr. MCCOLLUM, Mr. WHITTAKER, Mr. WEBER, Mrs. BYRON, Mr. WEISS, Mr. JONES of North Carolina, Mr. ST GERMAIN, Mr. LEVINE of California, Mr. EDGAR, Mr. TORRES, Mr. HARTNETT, Mr. MCKERNAN, Mr. GREGG, and Mr. ROTH.

H.J. Res. 205: Mr. BEREUTER, Mr. BROWN of California, Mr. BURTON, Mr. DUNCAN, Mr. FORD of Tennessee, Mr. HANSEN of Idaho, Mr. HEFNER, Ms. KAPTUR, Mr. LAGOMARSINO, Ms. OAKAR, Mr. ROE, Mr. STOKES, Mr. WOLF, Mr. WON PAT, Mr. BIAGGI, Mr. EDGAR, Mr. FRENZEL, Mr. LAFALCE, Mr. KEMP, Mr. MCGRATH, Mr. OWENS, Mr. SIMON, Mr. SUNIA, and Mr. GINGRICH.

H.J. Res. 209: Mr. GEKAS, Mr. HAMMERSCHMIDT, Mr. THOMAS of Georgia, and Mr. JENKINS.

H.J. Res. 218: Mr. BATES.

H.J. Res. 228: Mr. NIELSON of Utah, Mrs. SCHNEIDER, Mr. EMERSON, Mr. SLATTERY, and Mr. MONTGOMERY.

H.J. Res. 257: Mr. YOUNG of Alaska and Mr. BATES.

H.J. Res. 258: Mr. LOEFFLER, Mr. ROBERTS, Mr. WIRTH, Mr. MARTIN of North Carolina, Mr. SLATTERY, Mr. KILDEE, Mr. ORTIZ, Mr. BIAGGI, Mr. PURSELL, Mr. PRICE, Mr. DANIEL B. CRANE, Mr. SNYDER, Mr. ALEXANDER, Mr. MCCOLLUM, Mr. MOORHEAD, Mr. YATRON, Mr. CONTE, Mr. ZABLOCKI, Mr. QUILLEN, Mr. PASHAYAN, Mr. WHITTEN, Mr. HERTEL of Michigan, Mr. DANIEL, Mr. KRAMER, Mr. SHAW, and Mr. SUNDQUIST.

H. Con. Res. 27: Mr. STUMP.

H. Con. Res. 63: Mr. ARCHER, Mr. DYSON, Ms. FIEDLER, Mr. MCHUGH, Mr. SCHEUER, Mr. WEAVER, and Mr. WORTLEY.

H. Con. Res. 100: Mr. REID, Mr. DEWINE, Mr. TORRICELLI, Mr. VENTO, Mr. EDGAR, Mr. KILDEE, Mr. PEASE, Mr. EVANS of Illinois, Mr. NIELSON of Utah, Mr. BROWN of Colorado, Mr. AUCOIN, Mr. SCHEUER, Mr. BURTON, Ms. FIEDLER, Mr. OXLEY, and Mr. HARTNETT.

H. Con. Res. 107: Mr. MORRISON of Connecticut, Mr. OWENS, and Mr. MCKINNEY.

H. Con. Res. 122: Mr. FEIGHAN, Mr. OWENS, Mr. TORRICELLI, Mr. OTTINGER, Mr. MCKINNEY, Mr. MILLER of California, Mr. DYSON, Mr. BARNES, Mr. MORRISON of Connecticut, Mr. MITCHELL, Mr. DOWNEY of New York, and Mr. DYMALLY.

H. Con. Res. 129: Mr. KASTENMEIER, Mr. MCHUGH, Mr. EDWARDS of California, Mr. VENTO, and Mr. EDGAR.

H. Res. 46: Mr. RICHARDSON, Mr. NOWAK, Mr. AKAKA, Mr. DONNELLY, and Mr. BIAGGI.

H. Res. 53: Mr. BARTLETT.

H. Res. 112: Mr. GARCIA.

H. Res. 133: Mr. SKELTON, Mr. COURTER, Mr. HUTTO, Mr. FISH, Mr. BARNARD, and Mr. DENNY SMITH.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

111. By the SPEAKER: Petition of the city council, Warren, Ohio, relative to the nuclear arms race; to the Committee on Foreign Affairs.

112. By Mr. JONES of North Carolina: Petition of Panama City Beach City Council, Fla., relative to the Outer Continental Shelf; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

113. Also, Petition of board of county commissioners, Okaloosa, Fla., relative to the Outer Continental Shelf; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

AMENDMENTS

Under clause 6 of rule XXII, proposed amendments were submitted as follows:

H.R. 3132

By Mr. SENSENBRENNER:

—Page 17, line 14, strike out "$1,964,209,000" and insert in lieu thereof "$1,954,209,000".

H.R. 3135

By Mr. BARTLETT:

—On page 4, line 22, strike out "$103,242,000" and insert "$96,268,550" and on line 23, strike out "$67,200,000" and insert "$60,226,550".

By Mr. GREGG:

—On page 5, line 17, strike out "44,000,000" and insert in lieu thereof "2,600,000".

By Mr. HARTNETT:

—On page 16, line 24, strike out "$37,790,000" and insert in lieu thereof "$35,543,550".

By Mr. HILER:

—On page 13, line 20, strike out "$16,300,000" and insert in lieu thereof "$15,566,250".

EXTENSIONS OF REMARKS

PROTECTIONISM IS ESSENTIAL FOR TRADING HARMONY

HON. MARCY KAPTUR
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Ms. KAPTUR. Mr. Speaker, in my district, the Ninth District in Ohio, the unemployment rate in March 1983 was 15.3 percent, up from the February 1983 level of 13.9 percent. While the economy may be improving nationwide, the economy in my district is definitely not. Thus, the message in the following article, which appeared in the Toledo Blade, on May 29, 1983, is particularly meaningful for my constituents. I commend this article to the attention of my colleagues.

PROTECTIONISM IS ESSENTIAL FOR TRADING HARMONY

(By Wolfgang Hager)

Like most people, I used to believe that free trade helped create prosperity and peace and that protectionism betrayed consumers to special interests while leading to international conflict.

I now believe protectionism is essential for prosperity within nations and harmony among nations. Competition among firms is a good thing, but competition among societies is dangerous.

The problem with free trade is simple: The world has an endless supply of subsistence-wage labor, and we have learned how to make both basic and sophisticated goods in poor countries.

Without trade barriers, rich countries are bound to suck in cheap imports from low-wage countries, destroying the domestic industries that used to make those products.

Unrestricted trade eventually would destroy the economies of all the high-wage, developed countries.

What we really need is not free trade (which we don't have anyway) but a better "managed" trade system.

In particular, we ought to stop waiting until a domestic industry is on its knees before signaling others who are building up an export capacity that the market won't be there for them.

We also ought to start recognizing that protectionism and trade expansion are quite compatible. Witness the 1970s: Protectionism grew and world trade in manufactured goods tripled.

The reality is that, in one way or another, at least 75 percent of the free world's trade is already "protected" or "managed," meaning that it is subject to quotas, export subsidies, barter arrangements, and a long list of other direct government restrictions.

This has long been true for raw materials and food, which account for half of world trade, and services like shipping, which account for 12 percent.

It is also increasingly true for manufactured goods, the sector involved in most trade disputes. Officials of the General Agreement on Tariffs and Trade (GATT) estimate that at least a third of the trade in under the protectionist umbrella.

World steel, for example, is organized into what amounts to three cartels—the American, the European, and the Japanese—that coordinate among themselves through price and quantity agreements.

Fifty developing countries, as well as Canada and Australia, manage automobile trade through "local content" rules—which require a specified portion of local production as a condition of importing—while the Atlantic nations limit the number of cars that can be imported.

"Voluntary restrictions'" are also proliferating in consumer goods. Power stations, jetliners, telecommunication, and most military hardware are restricted via national procurement ("buy American") rules and local-content deals.

Atop of all this, we are seeing more export-targeted industrial policies, export subsidies, and restraint on imports via safety and other regulations.

Nevertheless, it remains fashionable to trumpet the free-trade ideal. The result is not merely hypocrisy, a plentiful international commodity with which we have all learned to live rather nicely.

The more serious consequence is that protectionism is practiced in ways producing minimum benefits to domestic industry, maximum disruption in trade flows, and constant bickering among trading partners.

Without realizing the enormity of what they are saying, otherwise sensible people in effect are calling for slashing wages enough to compete with workers in a South Korea or Mexico, lowering health, pollution, and other protections to reduce business costs and other similar measures.

This would be tantamount to giving up, as a society, the freedom and autonomy to pursue our basic values. In fact, free trade probably would lead to dramatic economic disruption and would create large numbers of economically useless people. It might take a police state to enforce it.

How can such dire consequences flow from an arrangement which, by common consent, contributed so much to prosperity since World War II? What is so different now?

One answer is that for the first time in modern history, standard manufactured goods are being produced everywhere on the globe—and, importantly, in nations such as Japan, South Korea, and Mexico with centrally guided economies. This would not matter much if these quasi-market economies were still small relative to the older industrial countries; the benefit to consumers of cheap imports would outweigh adjustment costs.

Indeed, this arrangement caused no significant problems for 25 years after World War II. Only the old industrial countries were capable of producing modern industrial goods. The exception was textiles, which from 1962 on were governed by an international protectionist regime, now called the Multifiber Arrangement.

The joint monopoly of the Atlantic countries allowed them to set the cost of production—wages, working hours, regulations, taxes—autonomously, provided they all moved more or less in step. Common values, free trade unions, and the play of democratic politics led to similar, costly solutions to the dilemmas posed by industrial capitalism.

Now, however, the quasi-market newcomers have captured a fifth of the world's manufacturing export markets, and they have become the price setters in a growing range of activities. In these circumstances, adjustment becomes more generalized, rapid, and painful. In fact, it isn't even possible.

Would we be able to "adjust" wages to an international standard? A classical law of economics says that if both goods and industrial capital can move freely in the world we get, in effect, a single world labor market, even without a single worker crossing a frontier.

But for as long ahead as we can see, the free international market "price" for labor—given the tremendous labor surpluses in the world—is around a level of bare subsistence.

But no cut in real wages could go deep enough to make rich-country workers competitive again. These workers live in a high-cost economy requiring dollar wages 10 times as high as the Philippines merely to survive.

Free traders would argue that the dilemma does not exist. Among Reaganites and "Atari" Democrats alike, there are some who would abandon traditional manufactured goods and concentrate on high-tech activities.

Implicitly, this is an argument for re-creating, at a higher level, the kind of technical monopoly which the advanced nations only recently enjoyed in virtually all manufacturing. In these sheltered, high-value industries, the argument goes, high wages will continue to be paid, while the whole economy enjoys the benefits of cheaper imports.

The argument is wrongheaded. Markets for bioengineered pharmaceuticals, semiconductors, or satellites will provide new jobs, but not nearly enough for the people thrown out of work in the older industries.

America, western Europe, and Japan, which are rushing into the same high-tech niches in the international division of labor, are only likely to end up with expensive overcapacity. The move to high-tech may be desirable in itself, but it is no solution to the trade dilemma.

In the meantime, the goods people buy will remain stubbornly banal: carpets and golf clubs, TV sets, and can openers. The way these items are produced is increasingly high-tech, too.

But if the final consumer goods are not made in the country, this entire superstructure of sophisticated "inputs" into the production process—including the much-vaunted services—will weaken as well. Foreign producers will simply turn to closer suppliers of these goods and services.

Moreover, it is an unconsciously racist mistake to believe that it is the natural order of things for brown people to make simple things, such as shirts or toys, while the highly skilled work force of the ad-

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

vanced countries makes complicated things, such as machines or computers.

In fact, with the state-of-the-art capital equipment now available to them, the best workers in the Third World, who make up its industrial work force, can easily outperform the least educated persons in advanced countries who are their competitors.

On top of this, advances in production technology, notably automation, are rapidly reducing the need for craft-type skills, leaving unskilled workers at one end and technicians' jobs at the other, with little in between.

Sophisticated engineering products such as ships, airplanes, and machine tools, as well as steel and chemicals, are now being exported from developing (and East bloc) countries. The recent announcement by Atari itself, that it will shift production to Taiwan and Hong Kong at the expense of 1,700 California jobs, should help put to rest the notion that we can escape our dilemma by the high-tech road.

There is a cruel irony here that we have to worry about impoverishing or simply discarding a substantial part of our population at the dawn of a new industrial revolution which should make all of us richer. But, unless we maintain, and indeed increase, our ability to manage our economic affairs in tune with domestic requirements, the new technologies will simply destroy work.

Protectionism, usually seen as a political cop-out to powerful interest groups at the nation's expense, shows the working of the invisible hand of politics bringing some sense to the rigid application of ideology.

The usual historical reference to protectionism, of course, is to the 1930s and the Great Depression, but that comparison is not nearly as valid as commonly believed. In the 1930s, economic antagonisms were superimposed on serious security conflicts among the main trading "partners."

Today, the economic welfare of all non-Communist countries, including the developing countries, is a strong political goal of all free-world nations. Moreover, existing trade links, investments, and debts all militate against curtailing the earning power of trading partners.

What, then, are some of the solutions?

Some have focused on the need for more stable monetary exchange rates among advanced countries to prevent the periodic "surges" of imports that cause avoidable problems. In the short run, a dearer yen would help, but a cheaper dollar would simply increase the U.S. surplus with Europe.

In general, the relatively liberal trade between Europe and America is sustainable—it implies competition among firms, not among societies.

Yet, in sectors like steel where governments intervene heavily, there is no logical alternative to outright market sharing. When the market is deliberately blocked as a coordinator, something must take its place.

What is a special case in Euro-American relations is the general case when trading with Japan. We should continue to welcome Japanese goods and to provide a competitive stimulus to our enterprises. But we should do it on our terms and not simply adjust passively to Japanese industrial strategies. Direct investment and other forms of technology transfer must increasingly take the place of the exchange of goods.

The sooner we abandon free-trade rhetoric and clearly signal to Japan our limits of tolerance, the less the chances for conflict and panic protectionism later. This would make it easier for Japan to adjust its investment strategies and it would provide greater incentives for American firms to engage in risky investments at home.

The same applies to developing countries. The World Bank and others who urge an increasing number of countries to follow an export-led growth strategy are giving cruel and irresponsible advice. Production capacities are built up with scarce resources, which then stand idle when the West, inevitably, slaps on restrictions. Yet, we have lent huge amounts of money on the promise of markets. The ability of developing countries to earn foreign exchange remains crucial.

How can our need for protection be squared with Third World needs for growing revenues? The most general answer must be: by improving their terms of trade. This means they must get a better return for what they sell. How can this be done?

Price discipline is already a normal feature in Japanese trade and East-bloc trade with western Europe. India and China, fearing ruinous competition and self-exploitation as they enter world markets, are said to have initiated talks on avoiding such competition. Southeast Asian nations, in cooperation with Brazil and Mexico, could perhaps agree to raise prices. But, given the competition for market shares among these countries, self-exploitation probably would remain the rule.

It would be preferable for western countries to raise duties on imports from Third World nations high enough to avoid market disruption in the West, then give this new revenue back to developing countries. This would give them resources to tackle the long-neglected problems of internal development, especially of agriculture and related industries.

The choice we face is between good intentions that promise ruinous results and policies that face up to the realities of the new global economy.

TRIBUTE TO LITA DiVITA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. LIPINSKI. Mr. Speaker, I would like to call attention to an outstanding citizen in Illinois' Fifth District, Lita DiVita. A recent recipient of the Ray McDonald Community Achievement Award, Mrs. DiVita has worked for years to help the students and faculty of Chicago's Southwest Side schools. Her dedication to and concern for the children of Chicago's Southwest Side is an inspiration to us all.

I am honored to place into today's RECORD an article describing some of Lita DiVita's achievements:

DiVITA RECIPIENT OF RAY McDONALD AWARD

For many years, Lita DiVita has been involved in the educational process as it relates to community schools. She has demonstrated a deep concern and unselfish willingness to help students and faculty of all Southwest Side schools. Her one belief has always been to place the welfare of the children first. The Midway Sentinel is honored to name Lita DiVita as our monthly recipient of the Raymond McDonald Community Achievement Award.

Her early years were spent in the section of Chicago called "Little Italy." She graduated from Pickard Elementary and Harrison High Schools and furthered her education at Crane College majoring in psychology. Her family includes her husband, Fosco, a project engineer for the International Harvester Co. and two sons, Robert and Glenn. The DiVita's live in Garfield Ridge.

Her interest in the school situation began at Byrne, where she served as vice president, secretary and social chairman of the Parents-Teachers Club. Her involvement became more intense with each passing year. At Kinzie, while helping to organize social programs, she became a delegate to the District 12 School Council, and functioned in that capacity for eight years, serving one term as president.

Following the educational progress of her sons, she became active in the affairs of Kennedy High School, while maintaining a marked degree of interest in the school proceedings at Byrne and Kinzie. She was elected president of the local school council and served with distinction for four years while acting as a volunteer aide.

Faced with overcrowded conditions and mounting vandalism, the school council rolled up its sleeves and went to work to improve conditions. Seeking a way to answer the council's penetrating questions, the Board of Education brought in 21 mobile classrooms to relieve the crowded conditions. This served as a temporary solution.

A racial disturbance at the school gave birth to the Athletic and Fine Arts Booster Club. Parents were asked to cooperate in quieting the situation and developing an interest in the school and what it offered. DiVita said, "We realized that the majority of students were not troublemakers and deserved an opportunity to attend school in an atmosphere that was conducive to learning. We developed the booster club to get the parents active in school activities and give all students a chance to participate in athletics or perform in the arts." With parents patrolling the halls and acting as monitors, the spell was broken.

As chairman of the 23rd Ward Education Committee, she became immersed in the long struggle to secure a new roof and essential repairs to Twain School. In addition, DiVita is concerned with the closed school branches in the 23rd Ward and she is presently working with the Alderman on behalf of the Vittum Park and Clearing communities to reopen the Baum, Blair and the Nelson buildings for programs and activities that will be readily acceptable to these communities.

When the configuration of the District 12 was changed, members of the District 12 Education Council, with DiVita were able to hold the council together and thus it became even stronger and more united in its move to its new District 12 offices at the Kinzie Elementary School.

Local businesses, civic leagues and community service groups are members of the council as well as the parent delegates of all the students in the 23 elementary schools and 2 high schools in District 12. Throughout the year, all the above mentioned groups, organizations and elected officials forced busing along with Mrs. DiVita and as of today—there is no forced busing in Chicago.

In September of 1980, DiVita was instrumental in obtaining the very popular com-

puter lab at the Hale Elementary School, that she personally coordinates at the school. The Hale P.T.C. presented her with an appreciation award this year for introducing the computer program to all interested students at Hale.

In April of 1981, with Alderman Lipinski and Rep. Terzich's help, Mrs. DiVita testifed against the desegregation plan at Whitney Young H.S. hearings for the sake of the community parents.

Again, with the help of Alderman Lipinski, in October of 1981, DiVita and her District 12, Ed. Council, strongly protested to the objectionable reading material in the mastery learning program, the result was that the whole program was revised by the Board of Education.

In September 1982, DiVita helped the Kinzie P.T.C. to obtain the deaf division of 8 to 9 year olds to prevent their school from possible closing since the enrollment had dropped so drastically and she also worked closely with the Kennedy High School local school council in removing all of the high school students from the Kinzie building and housing them all in the Kennedy building where they belonged. This move made for much better and safer conditions for both the students and the community.

With the support of the District 12 Education Council, innovative programs were set up in our various schools with the approval of the surrounding communities such as:

Curie High School—Metro School of the Arts.

Gage Park High School—Vocational training and college prep program.

Kennedy High School—Electronics program.

Kinzie—All Elementary Program.

Byrne—Computerized Mathematics Program.

Peck—Mathematics and Science Program.

Lita DiVita was recently re-elected president of the District 12 Education Council. In all, DiVita has been serving as President of the Council for five years.

Her tireless efforts and unlimited energy has always been associated with any cause or campaign that is concerned with the welfare and betterment of the community and schools. Lita DiVita clearly exemplifies the dedication and standards set by our late editor.●

TRIBUTE TO MICHAEL VITULLI

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. BIAGGI. Mr. Speaker, on June 8 one of Yonkers, N.Y.'s finest public servants will be honored at a dinner upon his retirement. The honoree that evening will be Mr. Michael Vitulli, the court attendant for the Family Court of Yonkers, N.Y. As the Representative from the 19th Congressional District, which includes most of Yonkers, I wish to take this occasion to pay tribute to Mike.

Michael Vitulli was born on November 20, 1918, in the town of Licia in the Province of Chieti, Italy. He and his parents came to the United States in the year 1920 and settled in Yonkers, where they remained. Michael attended Public School 18, Benjamin Franklin Junior High School, and Commerce High School—all in Yonkers.

Michael served his Nation with distinction in the Second World War as a radioman-gunner on a B-24 bomber. He was the recipient of both the Air Medal and Flying Cross.

Mike's discharge from the Army brought him back to Yonkers where he married Marcella Carnicelli. They have two children, Michael, Jr. and Nicholas—both married—and now Mike and Marcella are grandparents of two lovely grandchildren.

For the past 20 years, Mike has served as court attendant at the Yonkers Family Court. He has gained a reputation based on hard work and high integrity during these two decades. He is a man well liked and respected by all those who work with him.

Mike has remained active in the Yonkers community. He is the founder of the Enrico Fermi Educational Fund, which awards scholarships to high school students of Italian heritage, as well as the founder of the "Buon Servizio" annual dinner, which honors others from the local Italian American community for their work on behalf of mankind.

Mike is a member of the Armando Rauso Amvet Post No. 40 in Yonkers as well as the Columbus League. He is also on the board of trustees for the Hudson Valley National Bank.

One of Mike's greatest loves is his work as a columnist for the Yonkers Home News and Times. His column entitled "Sons and Daughters of Giants" is a must for all who read this fine publication.

The friends and associates who will honor Mike on June 8, 1983, do so with genuine affection and respect. Mike has worked hard and represents the very finest and best in our people, and I join with his friends in the Yonkers community in wishing him continued happiness and success in the years to come.●

QUALITY EDUCATION: A NATIONAL ISSUE

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, May 25, 1983, into the CONGRESSIONAL RECORD:

QUALITY EDUCATION: A NATIONAL ISSUE

In a scathing report on the status of American schools, the National Commission on Excellence in Education states that "a tide of mediocrity" has swept over public education. "We have," says the report, "been committing an act of unthinking, unilateral educational disarmament."

The Commission's findings, a broad indictment of American education, are grim and provocative. Teaching quality is inadequate. Traditional academic standards have been subverted. Our students are no match for those of other industrialized countries. Only 70 percent of our high schools require one year of mathematics and science, and none requires a foreign language. A little more than a week after the report was issued, two other commissions on education—the National Task Force on Education for Economic Growth and the Twentieth Century Fund—published equally critical findings. Taken together, these three reports indicate that the quality of education is again becoming a national issue.

The National Commission on Excellence in Education also offers a blueprint for improvement. The five major recommendations are (1) stiffer state and local high school graduation requirements, including four years of English, three years each of mathematics, science, and social studies, a half year of computer science and, for college-bound students, two years of a foreign language; (2) higher achievement standards in the form of periodic tests to gauge progress and tougher admission criteria for colleges; (3) more time for learning the basics, including longer school days, longer school years, and far more homework; (4) better training and pay for teachers in the form of incentives to attract outstanding students to the teaching profession and a system of financial rewards for better teachers; and (5) increased citizen involvement, including increased public pressure on educators and legislators to make educational reform a top priority and to provide the funds for it.

The Commission stresses the connection between national well-being and good schools. It argues that the poor quality of public education threatens the military, the economy, and the very social fabric of the country. Poor schools diminish our ability to defend ourselves, to compete in world markets, and to use new technology, while poor skills and literacy limit access to public life and harm democracy itself.

The Commission does not try to pinpoint the blame for educational deficiencies. It says that "the responsibility for our current situation is widespread." President Reagan offered some verbal encouragement for reform, but apparently backed away from the report by emphasizing tuition tax credits, school prayer, and abolition of the Department of Education, all subjects only loosely related to the findings of the report.

I have talked to many Hoosiers who are pleased with the report. It seems to express their views of public education. Even teachers, many of whom are naturally sensitive to criticism of schools, find the report exciting and endorse its general thrust. Because of its sweeping scope and doomsday language, however, I believe that the report may be overly pessimistic. It may distort reality by ignoring many of the positive things schools are doing. All schools, all teachers, and all students are not that bad. Scholastic aptitude test scores have stabilized, pupils are taking more academic courses, and all of us are acquainted with capable teachers and excellent schools. Two-thirds of the states have now passed minimum competency laws designed to assure that high school graduates will possess fundamental skills. Many public universities have tightened admissions standards and have allocated scholarships to students on the basis of academic ability, regardless of financial need. In at

least some school districts, the Commission's call to action is already being heeded. Public opinion is shifting and rallying behind the issue of quality. Businesses and foundations are becoming more involved in what goes on in schools, providing funds, expertise, and the incentive of jobs. In mathematics and science education, Congress may upgrade teaching through grants and special training programs.

The major issue not addressed by the Commission is the source of the billions of dollars needed to reform the schools. The report says that state and local governments have the primary responsibility for financing and governing the schools, but adds that the federal government shares responsibility for meeting the needs of the gifted, the handicapped, the disadvantaged, and the bilingual. It has the primary responsibility to "identify the national interest in education." The Commission's only comment on financing is that "excellence costs, but in the long run mediocrity costs far more." While money alone cannot make education better, few of the Commission's recommendations can be carried out without it. Of course, what matters more than money is the motivation of students, teachers, and parents.

Overall, I do not see that the Commission advocates massive new federal programs. I do read the report as a call for greater emphasis on education. It performs the service of reminding us that a fundamental measure of our society is the quality of our schools. Most of us would agree that the key to improved education is good teaching—that is where efforts must be focused. Among all the things that need to be considered, higher pay for teachers is a clear necessity. We will hear more about "bonuses" for teachers and the "master teacher" concept in the years ahead.

As I analyze the report, I get the uneasy feeling of having traveled this way before. Editorial writers already predict that not much will happen because quality in education rarely commands national attention for long. Too often, we get bogged down in educational issues that are peripheral to quality. Most people want better schools. The report should encourage more rational and vigorous local, state, and federal effort to make schools better. If American education has deteriorated so much that "our very future as a nation and as a people" is in doubt, then we had better move with a sense of urgency.●

BILL INTRODUCED TO AUTHORIZE FEDERAL STUDY OF ADDITIONAL LANE ON EXISTING THEODORE ROOSEVELT BRIDGE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. WOLF. Mr. Speaker, today I am introducing legislation which would authorize the Secretary of Transportation to study the feasibility of placing an additional inbound lane on the existing six-lane Theodore Roosevelt Bridge.

The bridge, which was completed in the early 1960's, is the main artery for traffic into Washington, D.C., from I-66 and U.S. Route 50, as well as the recipient of a heavily used feeder ramp from the George Washington Parkway. Recent statistics tabulated by the Virginia Department of Highways and Transportation (VDH&T) show that the bridge is presently over capacity during the morning rush hour. On May 17, 1983, for instance, 6,349 vehicles used the bridge between 8:15 and 9:15 a.m. That is well over the approximate capacity of 6,000 vehicles per hour on the three inbound lanes.

These statistics, together with the recent public discussion about I-66 modifications which I proposed with Virginia Senators JOHN WARNER and PAUL TRIBLE, have prompted me to ask for the Federal study of the possibility of placing an additional lane on the Roosevelt Bridge.

My bill is the result of weeks of discussion with Federal Highway Administration, Virginia Department of Highways and Transportation, District of Columbia Department of Transportation officials. The legislation directs the Secretary of Transportation, in cooperation with the Commonwealth of Virginia and the District of Columbia, to come up with several options for an inbound lane addition on the existing bridge deck, to be followed by a thorough analysis of the safety and operational factors posed by each option.

I want to make clear that my bill insures that an additional auto lane would not have a negative impact on bicycle or pedestrian traffic. According to the language in the bill, the present bicycle and pedestrian path must be maintained as a minimum requirement. But the legislation also calls on the Federal Highway Administration to study the possibility of attaching an additional structure to the existing bridge which would be used only by bike and foot traffic.

If the Federal Highway Administration's study proves that a certain option is safe and workable, then the bill authorizes 100 percent Federal funding for the actual work to proceed. The goal of my legislation is to provide relief for commuters, but not at the expense of safety for anyone. I want the safest plan possible, one which serves the needs of commuters and which retains access for bikers, joggers, and pedestrians in northern Virginia and the Metropolitan Washington area.

This legislation is being introduced in a spirit of cooperation between the Commonwealth of Virginia, the District of Columbia, and the Federal Government and I am pledged to working with all interested parties in adoption of this measure.

H.R. 3199

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Transportation is authorized to carry out in cooperation with the District of Columbia, the Commonwealth of Virginia and Department of Interior, a feasibility study on work which can be undertaken to improve the safety, capacity, and operational characteristics of the Theodore Roosevelt Bridge on I-66 connecting the Commonwealth of Virginia and District of Columbia. The Secretary of Transportation shall submit a report on the findings of the study and recommendations to the Congress no later than 90 days after enactment of this subsection.

(b) The study shall develop several options for an inbound lane addition on the existing bridge deck, to be followed by thorough analysis of the safety and operational factors posed by each option.

(c) The study shall ensure that if any option is ultimately selected, the present bicycle and pedestrian path must be maintained. In that regard, the study shall also investigate the possible option of attaching an additional structure to the existing bridge which would be used by bicycle and pedestrian traffic and which would be used for the purpose of demonstrating improved multi-modal traffic operations on a congested urban freeway.

(d) If the study authorized by this section concludes that certain work for improving the safety, capacity, and operational characteristics of the Theodore Roosevelt Bridge is feasible, the Secretary of Transportation is further authorized to carry out a construction project on the bridge for the purpose of demonstrating how such work can improve safety, capacity, and traffic operation.

(e) There is authorized to be appropriated to carry out this section out of the Highway Trust Fund such sums as may be necessary.

(f) Funds authorized by this section shall be available for obligation in the same manner and to the same extent as such funds were apportioned under Chapter 1 of Title 23, United States Code, except that the federal share of the cost of the project under this subsection shall be 100 percent of the total cost thereof. Such funds shall remain available until expended and such funds shall not be subject to any obligation limitation.●

TO COMMEMORATE THE BIRTH OF HUGO BLACK

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. ERDREICH. Mr. Speaker, I invite cosponsors for House Joint Resolution 174, to commemorate the centennial anniversary of the birth of Hugo Black on February 27, 1986. Mr. Black served with extraordinary distinction on the U.S. Supreme Court, in the U.S. Senate, in the U.S. Army during World War I, and within my home State of Alabama. Mr. Justice Black's accomplishments, particularly within the judicial system, are among the most important of this century. As the centennial of his birth approaches, it is fitting that we look back at the career of this great American and examine the legacy he left us.

Born in rural Clay County, Ala., Hugo Black attended the University of Alabama School of Law and set up his practice at the age of 20. He was appointed police judge in Birmingham at the age of 24, serving as a fair and thorough magistrate. Black was elected prosecuting attorney of Jefferson County, but left that position to join the Army upon America's entry into World War I.

After the war, calling upon his growing reputation as a formidable trial attorney, Black entered the U.S. Senate race of 1926 in Alabama, and won both the primary and the seat of an incumbent. Realizing that he lacked a complete university education, Black became an avid student of history and the classics, dividing his hours between the Library of Congress and his Senate office. The strength of his oratory and his cogency of thought attested to his success in that endeavor. Throughout his long and productive career, Black continued his self-education, and all of us are beneficiaries of the breadth of knowledge he applied to his work.

Mr. Black's career in the U.S. Senate was marked by strong support for President Franklin D. Roosevelt's New Deal programs. The Tennessee Valley Authority, so vital to the economic growth of the South, was created largely due to Mr. Black's efforts. He sponsored bills to set a standard workweek and establish a scale of minimum wages. These measures were incorporated into the Fair Labor Standards Act. By the time they became law, though, Hugo Black had answered the call of President Roosevelt to serve as a Justice of the U.S. Supreme Court. Hugo Black was appointed to the Court in October 1937.

It is difficult to describe briefly the contributions Justice Black made in his 34 years as a member of our Nation's highest court. Many legal scholars maintain that Justice Black led the judicial revolution of the 20th century. More than any other Justice of the Supreme Court, Hugo Black led the Court away from subjectivity and toward a closer scrutiny of the Constitution's original intent.

In one of his most renowned expressions on the Court, Justice Black outlined the elements of timeless greatness in our democratic society:

> No higher duty, no more solemn responsibility rests upon this Court, than that of translating into living law and maintaining this constitutional shield deliberately planned and inscribed for the benefit of every human being subject to our Constitution—of whatever race, creed, or persuasion. (From Chambers against Florida.)

Justice Black knew that the freedoms guaranted by our Constitution protect our Nation; that for our country to remain safe from outside aggression, its people must be internally free. He believed that from the Constitution, America derives her energy, her strength, and her potential. Confronting the transient ills of our Nation in case after case before the Supreme Court, Black turned back to the Constitution, to the freedoms and restrictions written there by our country's founders.

Although Justice Black's name is associated with many of the deliberations of the 20th century Supreme Court, perhaps his greatest contributions are those opinions which delineated first amendment rights, particularly freedom of speech and freedom of the press.

An article entitled "Justice Black: an Eye for the Heart of an Issue" appeared in the Birmingham Post-Herald upon Justice Black's retirement from the Supreme Court. The editor of that newspaper recalled Justice Black's opinion in a Supreme Court case involving an Alabama law:

> (In 1966) in a case involving the Birmingham Post Herald and its former editor, James E. Mills, Justice Black spoke for the majority in declaring unconstitutional an Alabama law, under which Mr. Mills had been convicted, which prohibited newspaper expression of political opinion on election day.
>
> Of the Alabama law, Justice Black wrote: "It is difficult to conceive of a more obvious and flagrant abridgement of the constitutionally guaranteed of the press. * * * A major purpose of (the First) Amendment was to protect free discussion of governmental affairs. * * * Suppression of the right of the press to praise or criticize governmental agencies and to clamor and contend for or against change, which is all this editorial did. * * * muzzles one of the very agencies the framers of our Constitution thoughtfully and deliberately selected to improve our society, and to keep it free."

Great debates have taken place over the first amendment interpretations Justice Black favored. However, Justice Black's Supreme Court opinions were based upon a judicial rather than a political philosophy. He read in the Constitution that Congress shall make no law abridging freedom of speech or freedom of the press. Therefore, his duty as a Supreme Court Justice was clear to him. Justice William O. Douglas said:

> Hugo Black abhorred vulgarity. Yet he saw no way—unless there was an amendment—to censor or punish so-called obscene literature. Hugo Black was deeply religious, and abhorred the sacrilegious: but he knew no constitutional way to suppress that kind of publication. * * * Hugo Black honored all phrases and paragraphs of the Constitution. It was to him a venerable but living document under which the noblest experiment in Government had been launched. He would neither cut it down nor expand it to fit his own personal tastes and inclinations.

I believe history places Justice Hugo Black in the first tier of judicial scholars and servants, with Marshall, Holmes, and Brandeis. But it is worth emphasizing that Justice Black's greatest faith was not in the law, but in the people of this country, people who make the laws and who make the laws work. He believed deeply in Government by the people, and was always guided by his self-reliant sense of the common good of all.

On the day of Justice Black's death, the Birmingham News wrote:

> Alabama was home to this jurist whose prominent place in U.S. legal history, whatever one's views on his judicial opinions or his philosophy, is assured. He was, simply put, a giant on the Court, his influence probably being greater than any other Justice's with whom he served.

I am proud to serve the State from which Hugo Black emerged almost 100 years ago, and proud to be a Member of the legislative body to which he lent so much distinction. On a personal note, my grandfather, Benjamin Leader, graduated from the University of Alabama School of Law 2 years after Black, and during his more than 50 years of practice in Birmingham was very close to Justice Black and his family. My wife, Ellen, was born in Washington, D.C., while her father, Jerome A. Cooper, was clerking for Justice Black. My father-in-law, a native of and practicing attorney in Birmingham, was Black's first law clerk, and remained close to Justice Black and his family.

Today, Hugo Black belongs not only to Alabama, but to our Nation, through which he sought to better the world. His exemplary service justifies our recognition, and that of our country, upon the centennial of his birth. I urge, with my colleague, Senator HOWELL HEFLIN, the proclaiming of Hugo Black Day on February 27, 1986.●

FREEDOMS FOUNDATION AWARD

HON. JAMES G. MARTIN

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. MARTIN of North Carolina. Mr. Speaker, I take great pleasure in announcing in the CONGRESSIONAL RECORD that Richard E. Knie, lieutenant colonel USAF (Ret.) from Charlotte, N.C., has been selected by the National Awards Jury of the Freedoms Foundation at Valley Forge to receive a Freedoms Foundation Award in June 1983. This award is being given as a result of his address entitled "The Greatness of America."●

CENTENNIAL CELEBRATION FOR THE CONGREGATION BROTHERS OF ISRAEL OF TRENTON, N.J.

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. SMITH of New Jersey. Mr. Speaker, this upcoming weekend, June 3 through June 5, the Congregation Brothers of Israel of Trenton, N.J., celebrates the 100th anniversary of its founding.

I feel very privileged and proud to be able to bring the good news of this centennial milestone to the Members of this Congress. Currently under the leadership of Rabbi Howard Hersch, the Congregation Brothers of Israel is the oldest continuing synagogue congregation in our State capital. The Jewish community has long been a viable force in the proud heritage of Trenton, and has sustained its stability in the city where other groups could not.

The congregation will celebrate a centennial service on the Jewish Sabbath this Saturday, June 4. It will be a great day for Trenton as it honors the contributions made to Trenton's development and culture by the Congregation Brothers of Israel.

I wish for us all to offer a heartfelt tribute to our Jewish brethern in the congregation, with the fervent hope and prayer that their next century of service and commitment helps to enrich the city of Trenton as greatly as the first 100 years.●

A TRIBUTE TO THE GEORGE WASHINGTON COUNCIL OF THE KNIGHTS OF COLUMBUS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. COURTER. Mr. Speaker, this year the George Washington Council of the Knights of Columbus, located in Morristown, N.J., is celebrating its 85th anniversary.

On this occastion, I feel it is fitting that we take a moment today to recognize the council's service and its members outstanding contributions to the community.

The Knights of Columbus received its first charter in 1882. As now, it began as an organization dedicated to helping those in need. Its acts of good work were many: aiding widows and orphaned children and others who faced financial insecurity and hardship. The Knights insured that children received an adequate education, that proper medical care was provided when needed; they also came to the aid of those who faced eviction from their homes. By 1906, this organization of Catholic laymen had spread throughout the entire country.

A few years following the establishment of the original charter, the Right Reverend Monsignor Joseph E. Flynn began organizing the George Washington Council. The organization received its charter on July 8, 1898. In 1908, the George Washington Council became affiliated with the New Jersey Chapter No. 1, which now includes 18 councils in Essex, Union, and Morris counties. Today, it is 1 of over 8,000 councils affiliated with the Knights of Columbus.

The George Washington Council has followed in the tradition of Christopher Columbus, St. Christopher, and the founders of the Knights of Columbus. The council is an organization of patriotic Catholic Americans who uphold the values of fellowship, community, and charity. Its members provide comfort and relief for the seriously ill in hospitals or elderly shut-ins at home. Over the last 6 years, it has donated over $16,000 to help retarded children. The council also funds two annual scholarships for a young man and woman to attend a private Catholic college. The council, as well, offered relief assistance to the people of Wilkes Barre, Pa., when that area suffered a most damaging flood. Indeed, the list or the organization's accomplishments goes on and on.

As the George Washington Council is proud to be a part of the Knights of Columbus, I, and I am sure I speak for my colleagues on this, am proud to live in a land where these fine people do so much good work simply out of love for their fellow man.

Mindful of its 84 years of compassionate and patriotic community service, I proudly commend the George Washington Council on its many acts of good work and extend our grateful appreciation to the Knights for making this world a better place to live.

Thank you.●

A TRIBUTE TO THE SAMARITAN HOUSE

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. ACKERMAN. Mr. Speaker, I would like to publicly commend Samaritan House in Queens, N.Y., for its praiseworthy efforts on behalf of former drug abusers on the occasion of its graduation ceremony, Wednesday evening, June 15.

Samaritan House is one of the oldest and most reliable human-service agencies in the drug abuse prevention and treatment field. For more than 20 years, it has been providing such services as drug-free residential centers, a unique methadone-to-abstinence treatment unit, an enlarged family support and counseling plan, and special programs for senior citizens.

Samaritan House's commitment to its clientele is equaled only by its desire to educate the community about the problems of drug abuse. Staff members speak frequently on drug abuse issues at local schools and before civic organizations. From time to time, the young men and women in treatment volunteer for neighborhood projects, take part in drug-treatment seminars, and compete in local sports events. Samaritan House regards community service as a fundamental responsibility, and as an important aspect of the therapeutic experience for the client.

Another component of its drug-rehabilitation program is the support and guidance that Samaritan House is able to give to the families of individuals undergoing treatment at the facility. This helps reunite the victims of drug abuse and their loved ones in a new atmosphere of mutual understanding and respect.

One of the most innovative programs that Samaritan House offers is its senior citizens' center. Open 5 days a week, this center offers a complete range of traditional services for the elderly, including hot lunch, assistance with health insurance, and other problems, and related activities. The participants take a leading role in the planning of their own programs. This senior center represents a new and innovative approach in Samaritan's long experience in drug abuse and prevention treatment. Initially, the agency worked primarily with younger people. Now, it is also able to help the aging and demonstrate that responsible management of prescription medication is another effective way of meeting America's drug problem.

I would like to take particular note of the fine work of Richard Pruss, president, and Ronald Solarz, administrative assistant of Samaritan House. They have both demonstrated their tireless dedication to Samaritan House and their commitment to the rehabilitation of America's youth. These gentlemen have been innovators in treatment of drug abusers and the prevention of drug-related problems. I am confident that they will continue to demonstrate their excellence in dealing with our youth.

I commend the entire administration and staff of Samaritan House for their efforts for the good of America's youth. In addition, I would like to congratulate the entire graduating class of Samaritan House, and to wish them every success in the future.●

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PICTURES OF HUNGER

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. BONIOR of Michigan. Mr. Speaker, on Friday, May 27, I held a hearing in my district, at the invitation of the Macomb County Fair Federal Budget Coalition, on hunger in Michigan and, in particular, in Michigan's 12th District.

Among the most eloquent testaments to the importance of nutrition, and the increasing presence of hunger in our communities, was the contribution of more than 100 students from seven different elementary schools in Macomb County.

The students participated in a poster contest built around two themes: "America Can't Run on an Empty Stomach," and "What Happens When Kids Don't Get Enough to Eat."

The posters were spread out across two long walls on the entryway to the hearing room, providing a graphic picture prelude to the hearing's moving testimony.

The poster contest winners from each of the partcipating schools were: Christina Hull and Doug Taylor from Arbor School; Amy Hergeneder from Bethlehem Lutheran School; Jeremiah Claramunt and Ida Sankey from Chesterfield School; Jason Collings and Amy Lawrence from Greenwood School; Becky Hodas and Judy Brenz from Kennedy School; Matthew Mott from St. Augustine School; and Sara and Monica Gray from H. Wiley School.

I want to personally extend my thanks, on behalf of all who came to the hunger conference, to each child who spent time developing a poster and to the teachers whose efforts made the poster contest possible.

Distinguished leaders from our area's artistic community donated their time to judge the poster contest. The judges were: Joe Cracchiolla, Macomb Daily photographer; Elaine Kozar, Macomb County Community College Graphics Department; Patricia Harmon-Lynd, director, Macomb Center for the Performing Arts; Hope Ruessmann, art teacher at Burton International School in Detroit; and Hank Williams, WLBS radio, Mount Clemens.●

TRENDS IN FOREIGN AID

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Foreign Affairs Newsletter for May 1983 into the CONGRESSIONAL RECORD:

TRENDS IN FOREIGN AID

Secretary of State George Shultz recently remarked that the total cost of all our military and economic aid programs in developing countries is $44 per American citizen, but, by contrast, each citizen spends $104 per year for televisions and radios. Although today's foreign aid spending is 0.2 percent of the gross national product, compared to 3 percent in 1949, the current $16.4-billion package for fiscal years 1983 (supplemental), 1984, and 1985 faces hurdles in Congress. It will be trimmed.

Hoosiers are right to ask whether there is anything in Third-world development for Indiana. They are entitled to know what our interests are in providing such large sums of money to others. Stated briefly, our interests are economic, humanitarian, and military. Foreign aid creates jobs by stimulating trade, assists people who are desperately poor, and preserves our security. The figures on the economic aspect of foreign aid alone are impressive. About 40 percent of all American goods are sold to developing countries. Over the last dozen years, more than 5,000 manufacturers and suppliers received orders exceeding $9 billion to support economic aid. About 10 percent of our farmland is planted for export to developing nations. In the 1970's, more than $80 million in goods related to economic aid came from Indiana. In 1982, $53 million in products for the Food for Peace program came from Hoosier farms.

Several major trends have been discernible in recent years in the foreign aid program:

First, our foreign policy in general and our foreign aid policy in particular are heavily influenced by East-West rivalry. Much less weight is given to indigenous factors. Indeed, observers say that the main purpose of our foreign aid is the elimination of conditions that invite meddling by the Soviet Union or other communist states. It is almost axiomatic that if a developing nation cannot present its needs in the East-West context, its chances of receiving aid are diminished.

Second, our foreign aid is tightly tied to narrow security interests. Money available for military purposes has grown faster than money available for economic ones. Between 1981 and 1984, security-related aid will have risen nearly 70 percent, while economic aid will have decreased in nominal terms. In 1980, only 15 percent of our aid went to the poorest nations, and the percentage is falling. Humanitarian motives are less important.

Third, we set aside proportionately less for foreign economic aid than most advanced nations. Among 17 members of the OECD's Development Assistance Committee, we were 15th in 1981 when ranked by percentage of gross national product. The perception exists that our economic aid has burgeoned in recent years, but nothing could be further from the truth. Since 1960, it has declined about 42 percent in real terms. Economic problems, genuine disillusionment with the results of aid, mistaken beliefs about its purpose, and a strong desire to check spending are the reasons.

Fourth, there is a geographical imbalance in our foreign aid. Egypt and Israel have received more than one third of it since 1978. The imbalance is well-known and, among poor countries, causes cynicism. Our commitment to the Middle East is easily appreciated in light of the region's location and resources, but even with respect to resources it is not wholly justified. After all, the Third World, outside the Middle East, supplies us with oil and sends us bauxite, manganese, cobalt, and other necessary minerals.

Fifth, our support for multilateral lending agencies has flagged. Americans are divided on the future of the programs administered by the World Bank, the International Monetary Fund, and other such agencies. We were instrumental in creating these institutions and have played a central role in their evolution, but early in 1982 the United States revealed a plan to cut support for them by as much as 45 percent. The reasons given include those pertaining to supply-side economics, a fear that multilateral aid gives too much power to the recipient, and a desire to promote private-sector initiatives. Our retreat from these agencies, however, could have broad, negative consequences for us at a time when many lenders grapple with serious international debt problems.

Sixth, there is an increased preoccupation with the private sector as a vehicle for foreign aid. The promotion of private-sector endeavors is always helpful and American investors make major contributions to the Third World, but the new emphasis is part of an effort to bolster marketplaces in many countries where the private sector has languished in recent years.

My view is that our foreign aid program tends to favor short-term fixes over long-term accomplishment. I am concerned about some of the trends just mentioned. A balanced program should be both generous in its scope and hard-nosed in its conditions: we should help only those who help themselves. Also, we should not cut out the multilateral agencies: the timing is bad and they are critical to the health of the world economy.

Foreign aid should be offered less for its effect in the East-West context and more for its potential to promote development. Too little of our money is going to the neediest countries; too much is going to countries merely to satisfy narrow security interests. In channeling additional funds into development aid, however, we should not repeat the error of neglecting long-term economic growth and political stability. As we improve our economic aid program, we should try to distribute the money widely and ensure that it affects recipients deeply. The strong emphasis on the sales of arms and military services ($21 billion last year, triple the previous year's) should be redirected. Such sales are necessary, but they are counterproductive when they fuel a local conflict or prop up a repressive regime.

It should be a basic premise of our foreign aid policy that the security interests of most nations be defined as much in terms of economic development as in military terms. To continue to protect our national interests, we will have to readjust the balance in our foreign aid program.●

SOVIET JEWS SUFFER MOUNTING REPRESSION

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. FRANK. Mr. Speaker, the Third World Conference on Soviet Jewry met in March to discuss the dramatic decrease in Jewish emigration from the Soviet Union. One of the im-

portant conclusions of the Conference was the need to redouble efforts throughout the West to bring attention to the plight of Soviet Jews. The Conference concluded, in part, that the movement to protest Soviet treatment of its Jewish population must sensitize as many people in as many communities as possible if we are to effectively protest these deplorable Soviet policies.

Former Congressman Robert Drinan, S.J., who attended the Jerusalem Conference, has been one of the most outspoken leaders in the Soviet Jewry movement, carrying the banner of Soviet Jewry across the country and around the world. He led the fight during his tenure in Congress for using congressional efforts to draw attention to individual "refuseniks" who had been denied permission to emigrate from the Soviet Union and he continues to press for Soviet reforms.

Father Drinan has recently published an article in the Christian Century. I commend the article to my colleagues for its insight into the plight of Soviet Jews and the need for us to continue our efforts.

The article follows:

Will the advent of Yuri Andropov as the new Soviet leader and the deterioration of relations between the White House and the Kremlin mean the termination of the remarkable exodus of 270,000 Soviet Jews over the past dozen years? That was the difficult question confronted by 2,000 Jews and 50 Christians from 31 nations at the Third World Conference on Soviet Jewry held in Jerusalem March 15-17.

The fact is, no one knows what is ahead for the 3 million Jews in the Soviet Union. What is clear is that their condition has worsened. Emigration in 1982 declined to 2,400 from a high of 51,000 in 1979. Harassment has intensified and discrimination against the estimated 200,000 refuseniks has become more severe than ever before.

The delegates in Jerusalem were clearly frightened. But they kept encouraging each other that the miracles they helped to bring about because of the First and Second World Conferences on Soviet Jewry in Brussels in 1971 and 1976 can be continued.

I was elated but also depressed at the events of the Jerusalem meeting. Anatoly Scharansky, the activist sentenced to 13 years for alleged spying for the United States, was my guide and translator in Moscow in August 1975. He took me to visit Andrei Sakharov and many other dissidents, several of whom I met in a reunion at the World Conference in Jerusalem. But I talked with then about those who after years of applying are still held in the land they want to leave. We also talked to dozens of Israeli citizens who are intensely anxious that their close relatives be allowed to leave the Soviet Union and join them. Some 180,000 Soviet Jews have arrived in Israel since 1970. But in hundreds, even thousands of cases they have not been able to bring about the release of their spouses, parents or children from Russia.

I spoke with a 78-year-old woman, recently widowed, who has been begging since 1972 for her son and her grandchildren to be granted permission to join her in Israel. They applied years ago. As a result, the son, an engineer, lost his position and—in a Catch-22 situation—is now being prosecuted for being unemployed. This woman, like most of the 180,000 Soviet Jews now in Israel, feels that only worldwide pressure on the Kremlin will induce the U.S.S.R. to live up to the 1975 Helsinki Accords, which it signed and which guarantee the right to emigrate for the purpose of reunification of families.

Anti-Semitism in the Soviet Union has long been ferocious. The pogroms and the persecutions there were two of the major causes that produced political Zionism. For a short period after 1917, the Russian Jewish community—which still accounts for 20 per cent of all of the Jews in the world—was treated with toleration. But since around 1920 the suppression of Judaism has been an objective of every regime—in particular, of Stalin's. Synagogues that numbered 3,000 in 1917 are now reduced to 40 at most. The destruction of Yiddish culture and the Hebrew language have been goals ruthlessly pursued. The examples of anti-Semitic and anti-Zionist literature that were on display at the Jerusalem Conference were simply unbelievable.

Panels of jurors, scientists and churchmen at the Jerusalem Conference examined the persistence of anti-Semitism in Soviet society. Lawyers recounted their efforts (filing briefs, bringing cases to international forums) to point out the gross violations of internationally recognized human rights in which Soviet officials engage. A new international association of lawyers devoted to the legal rights of Soviet Jews emerged from the Jerusalem meeting. Scientists spoke of their scientific colleagues in the U.S.S.R. who, like Dr. Alexander Lerner in Moscow, have lost professorships because they applied to make "aliyah." Scientists also brought out the fact that Jewish young people are being denied admission to the universities of Russia. In 1968-69 Jewish students enrolled in higher education in the Soviet Union totaled 111,900. In 1976-77 (the last year of published data) that number had declined to 66,900.

The church-related spokespeople at the Jerusalem Conference related their activities around the world on behalf of Soviet Jews. The great struggle for Jewish liberation in the Soviet Union is being waged with only the slightest support from Christians, many of whom are engaged in the work of Amnesty International and other world human rights groups.

One active ecumenical group is the Interreligious Task Force for Soviet Jewry, established in 1972 by Christian and Jewish leaders in the United States. With Sister Ann Gillen as its executive director, this unit sends delegates to the meetings of the Helsinki nations in Belgrade and Madrid and disseminates information about refuseniks and related issues in the U.S.S.R. At the Jerusalem meeting this task force emerged as clearly the best organized of all the Christian organizations seeking to sensitize the world to the harsh conditions imposed on the Jews of Russia. The church people from the Netherlands could also point to impressive accomplishments. But one would have to conclude that, generally speaking, Christians around the world are unaware of or are silent about the severity of the repression of Soviet Jews. One is reminded of the silence of Christians during the Holocaust.

One Christian group received mixed reviews in Jersusalem—the International Christian Embassy, an evangelical group based in Israel and financed in part by the religious right wing in America. Based on some of the concepts about Israel favored by the Moral Majority, the ICE is welcomed by some conservative elements in Israel but is viewed with some suspicion by the mainline Christian bodies.

A handful of Christian clergy in the United States has been devoted to Soviet Jews. One is John Steinbruck of Luther Place Church in Washington, D.C. For many years he has preached about what the establishment of the state of Israel should mean to Christians. He has visited the refuseniks in Russia.

There are some indications that a Christian protest movement might be developing, but they are slender. One church-related college in the United States is going to give an honorary degree in absentia this year to Alexander Piritsky, one of the best-known refuseniks. A group of Catholic nuns in the recent past fasted to express their solidarity with Scharansky. Cardinal Joseph Bernardin recently made a statement on Soviet Jews and pleaded for Scharansky.

But the Jews at the Jersusalem Conference said that Soviet Jews feel they are alone. They have the deepest apprehension about what Andropov might do. As the head of the KGB, he was one of the leaders in the actions to suppress all vestiges of the Jewish religion in the U.S.S.R. The level of angst at the Jerusalem Conference seemed to rise by the hour as the full implications of what is happening in Moscow, Leningrad, Riga, Odessa and elsewhere unfolded. What if all emigration were terminated? Will the Kremlin seek a "final solution" for Judaism and even for the Jews? Should the techniques and tactics of the Jewish community—so successful from 1970 to 1980—be altered, since they are not producing results now? What are the alternatives? One of the few items that drew consensus was the conviction that "noise"—petitions, demonstrations, resolutions and statements by churches—must continue and escalate.

There was also consensus among the 2,000 delegates 525 of them from the United States, that the Soviet Union has to be denounced. Prime Minister Menachem Begin reminisced at the conference about his time in a Soviet jail, confined because of his pro-Zionist activities. Even Israel's former foreign minister, Abba Eban, engaged in hard rhetoric about the lawlessness of Soviet leaders. The word "détente" was not heard in Jerusalem. Delegates' anger at the cruelty and inhumanity of the Kremlin toward Jews undoubtedly blocked any enthusiasm for such rapprochement.

But it was Abba Eban who pointed out that the highest levels of Jewish emigration occurred during periods of East-West accommodation. Abba Eban did not, however, urge that the delegates endorse détente in some form; he urged them not to sit in judgment on the postures of the superpowers, lest this hurt their cause. But everyone knew that he was speaking about Ronald Reagan when he said that "rhetorical violence and strategic confrontation" are not productive.

One sometimes had the feeling at Jerusalem that although the Jewish leaders must continue to voice their anger and anguish at the Kremlin, perhaps nothing will improve the chances of substantial emigration. The Helsinki Accords consist of three parts; military accommodations, economic adjustments and the observance of human rights. Can the Soviets be expected to observe the part on human rights if they feel that the United States is violating the letter or the

spirit of the first two parts of the agreements?

There may well be other causes for the radical change in the Politburo's policy on emigration—a 95 per cent decline in permitted departures. One is the displeasure of the Kremlin at the fact that around 60 per cent of Jewish emigres in recent months have gone not to Israel but to the United States or elsewhere. Invitations to these people come from Israel from relatives interested in family reunification. Soviet officials are obviously resentful of the fact that emigres with highly developed skills go to the United States rather than Israel. Jewish spokespeople counter that when Soviet Jews arrive in Vienna for processing, they are stateless people who may, under international law, go to any country that will receive them. At the Jerusalem Conference there was some talk of asking Moscow to help to arrange for direct flights to Israel from the Soviet Union, with the question of any further moves to be settled at a later time.

A third possible reason for the radical decline in emigration was hinted at but not openly discussed in Jerusalem. It is the possibility that the Soviet officials are tired of being bothered by demonstrations and propaganda concerning Soviet Jewry around the world and that they have now determined to eliminate the problem by eliminating the Jewish religion in Russia. The U.S.S.R. has done everything theoretically necessary to obliterate Jewish language and culture. Yet it endures and even flowers. It is conceivable that the Kremlin could decree the elimination of the word "Jew" on the identify cards of the 3 million people whose parents were Jewish. But to what nationality could the Soviet officials assign the Jews?

Regardless of the reasons for the present cutoff in emigration, the Jewish community around the world is determined to make it possible for every Soviet Jew to emigrate. The spectacular liberation of 280,000 since 1970 argues that it can be done. The delegates in Jerusalem would not listen to counter-arguments. They recalled that Theodore Herzl, the founder of Zionism, frequently said that one of the fundamental purposes for the establishment of Israel was to form a homeland for the Jews of Russia. Israel is ready; indeed, it needs all the immigrants it can get.

The Jews who came to the Jerusalem Conference had many questions about the policies of the Begin government. Many Jews were troubled about the invasion of Lebanon—particularly the shelling and occupation of Beirut.

But all these questions were displaced as the avalanche of information and horror stories about Soviet Jews gained momentum. Diaspora Jews and Israelis are deeply divided about Begin's militarism and his territorial claims to Judea and Samaria. But on the plight of Soviet Jews they are completely united, as the potential (or predictable) tragedies of the Andropov era unfold.

It is impossible to predict the fate of the 400,000 Soviet Jews who have received invitations to immigrate from individual Israeli hosts. Will they withdraw their applications to leave, as some are now being asked to do by Soviet authorities? Could the whole movement to leave the Soviet Union dry up if the consequences of applying are made even more draconian? Or will the Soviets, tired of all the controversy, finally respond to a Moses-like demand to "let my people go"?

What could the Christian role in this possible exodus be? I recalled the words spoken to me by Dr. Sakharov in his apartment in August 1975: "Only the Christians of America can liberate the Jews of Russia." If this is more tham a rhetorical flourish, the Christians of American have a great deal to do. It may be that they won't even think of doing it until they feel grief and guilt over the record of anti-Semitism of the churches through the centuries.

Many of the Christians who came to the Jerusalem Conference have experienced that grief and guilt. A Catholic woman from Ecuador expressed her pain at the anti-Semitism which she sees in her church. A Baptist member of the Canadian Parliament thrilled the Jerusalem assembly by his statements about why he will fight for the rights of Jewish dissidents. And an Anglican woman from Scotland told me that she feels constant shame because of the way that Christians have treated Jews.

Such sentiments are not very visible in Christian pronouncements, however. And Jews do not appear to rely on them. They feel alone in their struggle for Israel against the Arab nations and at the United Nations, where in 1975, 72 nations voted in favor of the proposition that Zionism is a form of racism.

The final declaration of the Jerusalem Conference was a vigorous, even vehement plea to the Kremlin to reopen its gates, end the persecution of Jews and stop its global dissemination of anti-Semitic literature. The statement opens by proclaiming that the Jews at the Third World Conference on Soviet Jewry are "joined by Christian leaders." It would indeed be beautiful if history recorded that in the late 1980s the Christians of the world joined together to bring about the deliverance from the Soviet Union of some 3 million believers in the God of Abraham, Isaac and Jacob.●

A LEGEND PASSES ON—JACK DEMPSEY—1895-1983

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. BIAGGI. Mr. Speaker, I join with millions today in mourning the death of an American sports legend—Jack Dempsey—the former world heavyweight champion—who died in New York City at the age of 87.

The New York Times captured the remarkable nature of Jack Dempsey when they described him as the former heavyweight boxing champion who held the title from 1919 to 1926 and then during his long retirement set a standard of dignity rarely equaled by a former champion.

Jack Dempsey or as he was also known, the Manassa Mauler, was a classic fighter who captured the title with a third round knockout of Jess Willard. Jack successfully defended his title on 5 different occasions in the 8 years that he held the title before losing it in a memorable fight with Gene Tunney. It is estimated that over his 8-year reign as champion—more than 576,000 persons paid more than $9.2 million to watch Jack Dempsey fight—a remarkable figure considering the era in history.

Jack Dempsey graced the streets of New York for years and years and became one of its most beloved citizens. Jack would no sooner emerge from his apartment or from a restaurant before he would be besieged by fans seeking a word or an autograph. Jack always had time for the people.

Legends are made and never forgotten. Jack Dempsey's legacy as a fighter, and a gentleman, will endure for centuries. Much has been written about the life of Jack Dempsey in all our major newspapers today on the occasion of his death. At this point in the RECORD I wish to insert a tribute to Jack Dempsey written in this morning's New York Daily News by thier highly respected sports columnist Phil Pepe entitled "The King of the Ring."

The material follows:

[From the Daily News (New York), June 1, 1983]

THE KING OF THE RING—DEMPSEY, RUTH RULED THE GOLDEN AGE OF SPORTS

(By Phil Pepe)

It was a glamorous era, an era of flappers and spats, of marathon dancers and bootleg hooch, of the Charleston and six-day bicycle races. Those who survived the Depression sought good times, and in their search they seized upon a barrel-chested, spindly-legged basher of baseballs and a square-jawed, dark-haired basher of noses.

If this was the Golden Age of sports, then Babe Ruth and Jack Dempsey reigned as undefeated champions of the age—the Bambino for his prodigious home runs, Dempsey for his machismo.

Ever since John L. Sullivan boasted, "I can lick any man in the house," the heavyweight champion of the world has walked in a special spotlight, and Jack Dempsey carried his mantle with dignity and a flair.

And his image and stature were embellished when he won the championship in a memorable fight on July 4, 1919, under a blistering sun in an outdoor arena in Toledo, Ohio. His victim was a giant of a man, Jess Willard, six inches taller and 60 pounds heavier than the 6-foot-1, 190-pound Dempsey. But Jack sent Willard's hulking body crashing to the floor seven times in the first round.

By the time he was 16, William Harrison Dempsey and his family had made their way to Montrose, Calif., and Dempsey was bitten by the boxing bug. When nobody would volunteer to fight the village bully, Fred Woods, young Dempsey said he would take Woods on, after learning he would be paid $20 to do so. The teenager stopped the old champ in four rounds and caused such a sensation that villagers passed the hat and came up with an additional $600.

If he could make that much money with his fists, young Dempsey thought, he'd go right on fighting. First, he took a new name, calling himself Jack after "The Nonpareil" Jack Dempsey, who held both the welterweight and middleweight titles before the turn of the century.

Among the new Jack Dempsey's early victims was one Andy Malloy, who was so impressed that after he was revived, he told his conqueror, "Kid, I'm your new manager."

Dempsey and Malloy took off to make their fortune in New York. Jack was matched with someone named Andre Anderson. They fought 10 rounds to no decision. Dempsey picked up $16.

The union with Malloy was short-lived. Dempsey hooked up with Jack Kearns, who decided to take the young fighter out West and work his way back to New York. Not even a one-round KO by Jim Flynn—the only time Dempsey was knocked out—could deter him. And when he belted out Fred Fulton in eight seconds a year and a half later, Dempsey was in the big time.

"We want Willard," intoned Dempsey and his manager.

"Dempsey?" replied the champ. "Who'd want to see me fight that little fellow?"

There were more than 19,000 people in Toledo's Bay View Park Arena to see Dempsey win the title from Willard with a savage, two-fisted attack. The seven knockdowns in the first round of the giant Willard was to produce a controversy that would rage for years. Dempsey, it was charged, fought with plaster of Paris on the bandages inside his gloves. How else could he bust up Willard?

Willard was saved by the bell in that first round—a bell Dempsey never heard. Thinking he had won, Jack climbed out of the ring and was headed for his dressing room. He had to be called back to finish the job, which took three rounds, Willard failing to answer the bell for the fourth.

Dempsey held the title seven years, during which he successfully defended his title only five times. But over an eight-year span, 576,213 fans paid $9,255,858 to see him fight and Dempsey's purses amounted to more than $4 million.

Several of Dempsey's fights were classics. In 1921, Tex Rickard promoted Dempsey and France's Georges Carpentier at Boyles Thirty acres in New Jersey. It was boxing's first $1 million gate.

The Frenchman was no match for Dempsey and Rickard knew it. He was concerned that Jack would dispose of him in one round and the crowd would be dissatisfied, and told Dempsey so. There were those who believed Jack was prepared to do Rickard a favor and make sure the fight went at least into the sixth. But when Carpentier surprised the champion with a solid right to the jaw in the second, Dempsey turned it on and belted his opponent out in the fourth.

On Sept. 23, 1925, Dempsey defended his title against Gene Tunney in Philadelphia, Tunney took the title away in a 10-round boxing exhibition that left Dempsey frustrated and growling for revenge. He got his chance one day short of a year later in Chicago.

In the history of boxing, there has not been a more controversial, more talked-about fight than the second Dempsey-Tunney bout—the famed "long count."

In the seventh round, after trying for more than 16 rounds, Dempsey finally caught up with Tunney, smashed him with a solid right and drove him to the canvas. So self-satisfied, so cock-sure, Dempsey failed to go to a neutral corner. While he stood over the fallen Tunney, referee Dave Barry refused to begin the count.

It is estimated that anywhere from four to five seconds were squandered, enough time for Tunney's head to clear and for him to arise at the count of eight.

While Dempsey pursued Tunney futilely, Tunney put on his dancing shoes and stayed away long enough to avoid getting hit by another damaging blow. He stayed away for the last three rounds as well, and came away with the decision to retain his title.

Dempsey retired from the ring soon after. In later years, he was to say the "long count" was the best thing that could have happened to him.

"If I had won," he reasoned, "I'd have continued to fight and some fellow eventually would have knocked me out. As it is, a lot of people still think I'm the champ. As long as I can keep them thinking that way, the long count was the greatest break Jack Dempsey ever got."●

RESOLUTION CONGRATULATING PASTOR AND PARISHIONERS ON BEAUTIFUL SAVIOR CHURCH'S SILVER ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. LIPINSKI. Mr. Speaker, on July 13, 1983, the Beautiful Savior Church in Chicago will celebrate its 25th anniversary. For the past 25 years, Beautiful Savior has been serving Chicago's southwest side as both a spiritual and community leader. In honor of Beautiful Savior Church's silver anniversary, I introduce into today's RECORD a resolution passed by the Chicago City Council and authored by 23d ward Alderman William Krystiniak congratulating the pastor and parishioners of the church on this important event.

The text of the resolution follows:

RESOLUTION CONGRATULATING PASTOR AND PARISHIONERS ON BEAUTIFUL SAVIOR CHURCH'S SILVER ANNIVERSARY

Whereas, on July 13, 1983, the Pastor and parishioners of Beautiful Savior Church, 5122 S. Archer Avenue, will celebrate their Silver Anniversary; and

Whereas, Beautiful Savior Church was first dedicated July 13, 1958, on Chicago's great Southwest Side, and for the past 25 years has provided a solid foundation for the spiritual enhancement of its community; and

Whereas, Beautiful Savior Church was first served by Pastor Philip J. Wirth, who remained until 1980. On June 28 of that year, the Rev. Stephen F. Precht became Pastor and continues the church's high standards of spiritual leadership;

Now, Therefore, be it resolved that we, the Mayor and members of the city Council of the City of Chicago, gathered here this 25th day of March, 1983, A.D., do hereby offer our most sincere congratulations to the Rev. Stephen F. Precht and the Parishioners of Beautiful Savior Church on the occasion of the Church's Silver Anniversary, and that we extend to these fine citizens our best wishes for many more years of spiritual fulfillment and enlightenment.

Be it further resolved, That a suitable copy of this resolution be presented to the Pastor and Parishioners of Beautiful Savior Church.●

AMBASSADOR JEANE KIRKPATRICK'S ADDRESS AT SOLIDARITY SUNDAY FOR SOVIET JEWRY RALLY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. GILMAN. Mr. Speaker, Sunday, May 22, was Solidarity Sunday for Soviet Jewry. In New York City, approximately 100,000 committed and concerned men, women, and youth gathered in Dag Hammarskjold Plaza to express their solidarity with their Soviet Jewish brethren who are unable to leave the Soviet Union. This 12th annual demonstration was highlighted by the poignant remarks of its keynote speaker, Ambassador Jeane Kirkpatrick, the distinguished U.S. Permanent Representative to the United Nations.

The Solidarity Day demonstration, sponsored by the Greater New York Conference on Soviet Jewry, made a significant impact. The protests of the thousands of people assembled were heard not only by the Soviets but by the entire world. Ambassador Kirkpatrick's remarks underscored the Reagan administration's commitment to the ideals of human rights and religious freedom. Because her remarks so eloquently addresses the heart of this human rights issue, I am inserting Ambassador Kirkpatrick's speech at this point in the CONGRESSIONAL RECORD, so that they will be available for perusal by all of my colleagues.

ADDRESS BY AMBASSADOR JEANE J. KIRKPATRICK BEFORE THE SOLIDARITY SUNDAY RALLY FOR SOVIET JEWRY IN NEW YORK CITY

On March 15 of this year, I had the great pleasure and honor to address the nearly 2,000 delegates from 31 countries who came to Jerusalem to attend the Third International Conference on Soviet Jewry. We came to that great city of peace, to that great country of Israel that has sacrificed and bled for peace, to defend the cause of Soviet Jews and to insist that their internationally recognized rights be respected by the Soviet Government. It is that some cause that brings us together here today.

It is entirely fitting that we gather outside the United Nations to express our solidarity with the great freedom struggle of Soviet Jews. Their struggle, and our solidarity with their struggle, is rooted in principles of law contained in international declarations, covenants, and conventions that have been adopted by the United Nations and ratified or endorsed by the Government of the Soviet Union.

The fact that the Soviet Government systematically violates the rights of Soviet Jews demonstrates for all the world to see that it treats these international obligations with cynical contempt. No one seriously interested in the promotion of world peace can afford to overlook the implications of this cynical contempt for international law and international obligation.

The right to emigrate is a cornerstone of international law and human rights. It is recognized as such in the International Declaration of Human Rights, in the International Convention on the Elimination of All Forms of Racial Discrimination, in the International Covenant on Civil and Political Rights, and in the Helsinki Final Act.

And yet the Soviet Government, which is legally bound to uphold this right, has virtually cut off the flow of Jewish emigration. Though 500,000 Jews have requested to emigrate from the Soviet Union, only 400 have been permitted to do so this year—a rate of emigration that is down by 98 percent in just 3 years.

Not only are Jews denied the right to leave, but they are persecuted for even wanting to do so. They are harassed and reviled, fired from their jobs and expelled from universities. The most prominent among them are even arrested.

As we stand here today before the United Nations, let us remember some of these Prisoners of Conscience and extend to them our solidarity:

Let us remember Anatoly Shcharansky, who is now serving the sixth year of a 13-year sentence, who has been denied all visitors and even the right to send or receive mail, and whose health has suffered severely from a 4-month hunger strike launched in desperation on the eve of Yom Kippur. Let the Soviet authorities know that every individual gathered here today and millions of others throughout the world will never forget Anatoly Shcharansky.

Let us remember Iosif Begun who has already served two terms in labor camp and was arrested again in November.

Let us remember Lev Elbert, whose trial will begin in just three days.

Let us remember Yuri Tarnopolsky, whose arrest was timed to coincide with the World Conference in Jerusalem.

Let us remember Eliyahu Essas, a dedicated scholar who has been denied work for the past 10 years and whose father is with us today.

Let us remember Feliks Kochubievsky, who was sent to prison for trying to form a USSR-Israel Friendship Society.

Let us remember Ida Nudel, who continues to be harassed and prevented from returning home even after completing a 4-year term in Siberian exile.

Let us remember Vladimir Slepak, one of the first Jews to address appeals to the United Nations, who has been brutally harassed by the KGB and prevented from emigrating for 13 years.

And let us remember Aleksandr Lerner, one of the most prominent members of the Soviet scientific community, who has been stripped of all his titles, dismissed from all his posts, and even prevented from conducting informal seminars in his home.

We extend our solidarity to all of these courageous individuals and to the hundreds upon hundreds of thousands of other Jews whose rights are being so cruelly denied.

And let us also remember on this occasion another individual who has so courageously and persistently defended the rights of Soviet Jews and whose own right to leave is being so cruelly denied. I speak, of course, of Andrei Sakharov. Yesterday was his 62nd birthday, in honor of which the Congress declared May 21st National Andrei Sakharov Day.

It is not just the right to emigrate that has been denied to Soviet Jews in violation of international law. They are also denied cultural, religious, and linguistic rights and have been the target of a virulent, grotesque campaign of anti-Semitic propaganda. All this, too, is in violation of international treaties and covenants that have been signed and ratified by the Soviet Union.

This policy of persecution and vilification shows every sign of intensifying. A highly significant article that appeared last month in Leningrad Pravda declared that those who accept the concept of a "Jewish national culture" are enemies of "proletarianism" against whom an "uncompromising struggle" must be waged. This same article proclaimed that there is no such thing as a Jewish culture, nation, or spiritual community. It called the study of Hebrew, the Torah, and the Talmud a form of religious fanaticism and racism, and characterized those who engage in such study as "moneygrubbers," "philistines," and agents of a "fifth column" within the country. This article is a clear warning that severe punishment awaits Jews who persist merely in studying their religious and cultural heritage.

At the same time, an organization has been officially established that is ominously entitled the "anti-Zionist committee of the Soviet public." It declares that the essence of Zionism is "extreme nationalism, chauvinism and racial intolerance, justification for . . . armed adventurism, . . . demagoguery and ideological diversions, filthy maneuvers and perfidy."

Let us say to the Soviet leaders that we regard such vulgar declarations as utterly contemptible. They turn the truth upside down, for it is precisely those who equate Zionism with racism, and who persecute Jews simply for wanting to be Jews, who are guilty of extreme nationalism, chauvinism and racial intolerance. It is they who use anti-Zionism to justify, in their own words, "armed adventurism," "demagoguery," and genuine "perfidy."

The Government of the United States cannot—and will not—be blind to this reality. We stand four-square in solidarity with Soviet Jews and with the ideals of human rights and religious liberty which Soviet Jews so eloquently embody in their courageous struggle to be free.●

THE NATIONAL NURSING HOME STANDARDS ACT

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Ms. SNOWE. Mr. Speaker, last year I cosponsored legislation entitled the "National Nursing Home Standards Act," a bill which has been revised and reintroduced this year as H.R. 2997. I strongly support this measure which focuses on the enforcement of nursing home standards.

H.R. 2997 would establish, under the auspices of the Institute on Medicine of the National Academy of Sciences, a 13-member Commission to evaluate current nursing home regulations and report to Congress and the Department of Health and Human Services (HHS) by September 1984. In the meantime, the bill mandates a moratorium on rule changes until 6 months after the Commission releases its report. This delay would give Congress and HHS time to respond to the Commission's recommendations.

Over 1.5 million Americans reside in nursing homes today. Medicaid pays for approximately 45 percent of nursing home expenditures totaling billions of taxpayers' dollars. Obviously, nursing homes have a vital role in providing health care needs to many of our elderly, and the Federal Government has a predominate interest in assuring acceptable basic standards.

Mr. Speaker, we are discussing regulations which affect one of the most vulnerable segments of our society. It is not appropriate to allow a State to renege on its obligations to its older citizens, possibly placing priorities elsewhere as State resources dwindle. During the seventies, investigations of nursing homes by the Senate Special Committee on Aging and the House Select Committee on Aging revealed enforcement procedures were the primary deterrent to fraud and abuse. I am sure this is as true today as it was only a few years ago.

We, in Congress, must assure all nursing home residents, no matter where they live, fundamental safeguards and standards. The Commission, as envisioned by H.R. 2997, would be charged with such a duty before any regulations are changed including enforcement procedures. I am sure improvements are due, but a commission tasked with carefully analyzing all proposed revisions seem the most responsible approach.●

THE TECHNOLOGY EDUCATION ASSISTANCE AND DEVELOPMENT ACT OF 1983

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. STARK. Mr. Speaker, on Monday, May 23, I, along with Congressman BILL ARCHER, introduced H.R. 3098, the Technology Education Assistance and Development Act of 1983. Identical legislation has been introduced in the other body by Senators DANFORTH, CHAFEE, and SYMMS.

I have been concerned for several years now about our Nation's ability to compete in a world in which high technology is playing an ever-increasing role. If this Nation is to remain at the forefront of this technological revolution, we must be assured that our educational institutions are providing today's students with the ability to acquire the knowledge and skills necessary for success.

Last year, I introduced H.R. 5573, the Technology Education Act, which would have provided a more generous deduction for computer manufacturers who donate personal computers to our

Nation's schools. The legislation was well-received. Several companies assured us that they intended to initiate donation programs once the legislation went into effect. H.R. 5573 passed the House by an overwhelming majority, but unfortunately died in the Senate during the final days of last year's lameduck session.

This Congress, I reintroduced the legislation, H.R. 701, which currently has over 100 cosponsors. During consideration of the Technology Education Act, concern was expressed that the legislation did not provide a deduction for software, did not provide for the donation of equipment to colleges and universities, and did not assist universities in their research and development functions. These issues were not addressed in my initial legislation because of concern for the overall cost of the bill. I am introducing H.R. 3098 to provide Members with a wider range of options in this area. The legislation, like H.R. 701, would provide an expanded charitable deduction for companies donating computers and related equipment to primary and secondary schools. H.R. 3098, would, in addition, however, allow a deduction for donations of software and would also be applicable to contributions made to colleges and universities for education purposes. The bill also provides for an expansion of the R&D credit for basic research performed by universities and for certain student loan forgiveness.

This bill will address an extremely important need faced by our country's education system. It is supported by the Association of American Universities, the Association of State Universities and Land Grant Colleges, the National Association of Independent Colleges and Universities, the National Association of Secondary School Principals.

A summary of the legislation follows:

SUMMARY

Current law provisions governing the charitable contribution of items of inventory of a taxpayer generally limit the taxpayer's deduction to the taxpayer's basis in the property, regardless of the value of the property. Exceptions apply in limited cases, such as contributions of certain property for the care of the ill, or contributions of scientific equipment to universities for use in research.

In the case of donations of property which has been used in the taxpayer's trade or business (section 1231 property) current law requires the taxpayer to reduce its deduction for any depreciation recapture which would be recognized if the property were sold at a gain.

Under the bill, corporations would be encouraged to give specific types of property to qualifying organizations for educational use. Under new Internal Revenue Code section 174A, contributions of qualified computer equipment to pre-college schools and certain other organizations which use the equipment for educational purposes, would qualify for a deduction equal to the fair market value of the property, limited to the lesser of (1) the corporation's basis in the property plus 50 percent of its markup or (2) twice its basis in the property.

The same treatment would be available for contributions of scientific equipment to institutions of higher education for use in direct education or in research or research training in the fields of mathematics, engineering, computer science, the physical or biological/biomedical sciences, and certain vocational education programs.

This treatment is identical to the current law exceptions for donations of inventory noted above.

Further, the bill provides incentives for contributions of used scientific equipment to institutions of higher education for the uses described above. Under this provision, a corporation making a contribution of used property may take a deduction equal to 150 percent of the taxpayer's original basis in the property, less accumulated depreciation. Qualifying property would be scientific equipment which is not more than three years old when contributed, and which will not require the recipient to invest any funds in repair or reconditioning of the property in order to make it functional.

The second part of the bill amends the current law provisions governing the R&D credit for research activities which corporations contract with universities to perform.

First, the bill removes such amounts from the computation of base period research expenditures for purposes of the determination of whether the taxpayer has increased its research and experimentation activities. This removes the bias of current law which discourages contracting with universities of R&D activities, and has the purpose of increasing the funding of university-based research.

Second, the bill expands the definition of payments to universities which will be treated as contract research expenses for purposes of the R&D credit. Under these provisions, amounts paid to fund faculty salaries, or to fund scholarships, grants, or loans for graduate students in mathematics, engineering, or science would be treated as contract research expenses.

The third part of the bill clarifies the tax treatment of students receiving scholarships, grants, or loan forgiveness under this bill. A new code section, 117A, provides that such amounts will be excluded from income even if the student is required to provide teaching or research services as a condition for receiving the amount. In the case of loan forgiveness, the amount would be excluded from income only if the student is required to teach in an institution of higher education after completion of his graduate study.

The provisions of the bill will apply to taxable years beginning after the date of enactment.

DETAILED DESCRIPTION

Deduction for equipment donations

Under section 170(e) of current law, deduction for contributions of property which have a value in excess of the taxpayer's basis in the property must be reduced by the amount of gain which would be ordinary income if the property were sold. Thus, in the case of inventory, the taxpayer's deduction is reduced by the full amount of the value in excess of basis, so that the deduction is limited to basis. For example, if the maker of a microscope with a value of $800 and a basis of $200 gives the microscope to a college for its biology classes, the taxpayer is limited in its deduction to $200. In the case of property used in the taxpayer's trade or business (section 1231 property), the deduction must be reduced by the amount of the depreciation recapture which would be recognized if the property were sold.

Under section 170(e) (3) and (4), there are limited exceptions for contributions of inventory. Under section 170(e)(3), taxpayers may deduct the fair market value of inventory which is contributed to charitable organizations which use the property solely for the care of the ill, the needy, or infants. However, the fair market value deduction is limited to the lesser of (1) basis plus one-half of the taxpayer's markup on the property, or (2) twice basis.

Under section 170(e)(4), the same exception applies to contributions of scientific property to institutions of higher education for use in research or research training. Thus, in the example above, if the recipient used the microscope for research purposes, the taxpayer would be entitled to a deduction of $400 (the lesser of basis, $200, plus one-half of markup, $300, =$500, or twice basis, $400).

This bill adds a new Code section, 174A, which provides for the deduction for donations of scientific equipment to higher education and of computer equipment to pre-college education. Current law section 170(e)(4), described above, would be made a part of this new section, and the same treatment as applies under that provision would apply to the additional categories of equipment donations.

Computer Equipment for Pre-College Education.—The first category of equipment donations is for transfers of qualifying computer equipment to pre-college schools or to museums, libraries, or correctional institutions which use the equipment for educational purposes. Qualifying computer equipment is defined to include:

(1) Data processors which can support at least three computer languages, have RAM capacity of at least 16,000 bytes (and can be expanded to at least 48,000) and which are accompanied by a display screen;

(2) Ancillary computer equipment, which includes display screens, printers, or disc drives which are compatible with data processors owned by the recipient (or transferred to the recipient in conjunction with the transfer of the ancillary equipment);

(3) Installation equipment or replacement parts;

(4) Educational software.

In addition, to qualify, the transfer of this property must meet the following requirements:

(1) It must be covered by the same warranty that the taxpayer would provide in the sale of such equipment;

(2) Except in the case of software, the property must be assembled by the taxpayer, who must be in the business of assembling and selling such equipment;

(3) The property must be transferred to the recipient not more than six months after it is assembled;

(4) The property must be new;

(5) The taxpayer must have a written plan for these transfers under which there will be diversity in the distribution of the equipment on a geographical basis and on the basis of the relative economic status of the students of the recipient;

(6) At least 80 percent of the use of the property must be in the direct education of students or teachers;

(7) The recipient may not dispose of the property in exchange for other property or

services during the ACRS life of the property;

(8) The taxpayer must provide sufficient orientation to make at least one employee of the recipient per data processor transferred proficient in the operation of the equipment. This must be provided at no cost to the recipient or its employees;

(9) The transfer must be made through the governing body (e.g., school board) of the recipient;

(10) The governing body must provide a statement to the taxpayer, under penalties of perjury, representing that the property will be used and disposed of in accordance with requirements (6) and (7); in the case of software, the statement must represent that the softwear is compatible with data processors of the recipient and that it is suitable for the educational programs of the recipient; and, in the case of ancillary computer equipment, the statement must represent that it is compatible with data processors being transferred by the taxpayer or already owned by the recipient.

This provision will apply to transfers of qualified computer equipment during the 5-year period beginning on the date of enactment.

Scientific Equipment for Higher Education.—The second category of equipment donation which will qualify for the exception to the general rule limiting deductions to basis is for transfers of qualified scientific equipment to institutions of higher education. This provision applies to transfers of scientific or technical equipment (or replacement parts therefor) which is inventory of the taxpayer, or which is used in the taxpayer's trade or business (used scientific equipment).

In order to qualify, the transfer must meet the following requirements:

(1) In the case of new property, the property must be covered by the same warranty that the taxpayer would provide in the sale of such equipment;

(2) Except in the case of software or used scientific equipment, the equipment must be assembled by the taxpayer, who must be in the business of assembling and selling such equipment;

(3) In the case of inventory of the taxpayer, the equipment must be new and must be transferred to the recipient not more than six months after it is assembled; in the case of used scientific equipment, the equipment must be transferred not more than three years after the property is placed in service;

(4) At least 80 percent of the use of the equipment must be in direct education of students or faculty, or in research and experimentation (as defined under section 174) or research training, in mathematics, the physical or biological/biomedical sciences, engineering, computer science, or the following categories of vocational education: computer and information services; science technology; engineering and engineering-related technologies; precision production drafting; and precision metal work;

(5) The recipient may not dispose of the equipment in exchange for other property or services during the ACRS life of the property;

(6) The transfer must be made through the governing body (e.g., board of trustees) of the recipient;

(7) The governing body must provide a statement to the taxpayer, under penalties of perjury, representing that the equipment will be used and disposed of in accordance with requirements (4) and (5);

(8) The retail value of a single unit of the property must be at least $500 (except in the case of computer software which must have a retail value of at least $250, or in the case of replacement parts);

(9) In the case of used scientific equipment, the property must be functional and ready to use in the condition in which it is transferred, without the incurrence of any cost of the recipient for repairs or reconditioning.

In the case of transfers of qualified computer equipment property or qualified scientific property which is new inventory, qualified services may also be given. For this purpose, "qualified services" means any standard contract for maintenance, repairs, or similar services normally made available by the taxpayer to customers in connection with the sale of such property, which contract is transferred to the recipient in connection with the transfer of qualified property.

Amount of Deduction.—The amount of the deduction for qualifying transfers depends upon whether the property transferred is new inventory or used scientific equipment.

In the case of new inventory, the amount of the deduction allowed is the fair market value of the property, limited to the lesser of (1) the taxpayer's basis in the property plus one-half of the taxpayer's markup or (2) twice the taxpayer's basis. For example, assume the taxpayer contributes qualifying property with a basis of $400, and that the taxpayer's markup on the property is $600, so that the value of the property is $1,000. In this case, the allowable deduction is $700 which is the basis plus one-half of the markup ($400 plus $300), and which is less than twice basis ($800).

Where orientation is provided in connection with the transfer of qualified computer equipment property to pre-college schools, the direct cost incurred by the taxpayer in providing such orientation is included in the basis of the property for purposes of determining the allowable deduction.

In the case of used scientific equipment, the deduction allowed is 150 percent of the taxpayer's original cost in the equipment, reduced by the total depreciation deductions taken by the taxpayer in connection with the equipment. Under this provision, a taxpayer could deduct no more than 150 percent of its cost, taking into account both the deduction under this provision and depreciation deductions. Because the property must be transferred no later then three years after it is placed in service, in many cases there will be a partial recapture of the investment tax credit on the equipment. This provision eliminates disputes over the value of the used equipment, which can be very difficult in cases of used property.

In the case of qualified services, the allowable deduction is the lesser of (1) the fair market value of the services or (2) 150 percent of the taxpayer's direct costs incurred in providing the services.

Finally, in the case of computer software, the allowable deduction is, in the case of software purchased by the taxpayer prior to transfer, the fair market value of the software, and, in the case of software which is developed by the taxpayer, one-half the fair market value of the software.

Limitations on Deductions.—There are two limitations on deductions under this provision—one a percentage of the taxpayer's taxable income, the other a limit on the number of units of property which may qualify for the deduction.

First, the deduction allowable under the new section 174A may not exceed 10 percent of the taxpayer's taxable income, computed in the same manner as the limitation under section 170, and without regard to any deduction under this provision, less the taxpayer's total deductions under section 170. Amounts exceeding this limit may be carried forward in the same manner as a deduction under section 170.

Second, in the case of a transfer of qualifying computer equipment property or qualifying scientific property (excluding used scientific equipment), the taxpayer may take into account, for purposes of this provision, up to the number of units of property transferred equal to 20 percent of the number of units of the same type of property which the taxpayer sells in the ordinary course of its business during the taxable year. Thus, for example, if a taxpayer sells 500 units of a particular mass spectrometer during a taxable year, it may take into account no more than 100 of such spectrometers transferred to qualifying institutions of higher education during that taxable year, for purposes of this provision. This limitation prevents the transfer of property which the taxpayer is unable to sell from qualifying for the treatment of this provision.

Clearinghouse for Used Scientific Equipment.—Finally, in order to assist institutions of higher education locate potential sources of used scientific equipment which the school needs for qualifying uses, the National Technical Information Service of the Department of Commerce is to establish and administer a clearinghouse for used scientific equipment.

The clearinghouse will collect information from corporations about used scientific property which qualifies under this bill and which the corporation wishes to transfer to a qualifying institution of higher education. The clearinghouse will publish this information in the Federal Register, not less often than monthly, for the purpose of allowing qualified recipients of the equipment to identify sources of needed equipment.

If a taxpayer lists used scientific equipment with the clearinghouse not more than three years after the equipment was placed in service, and if it is transferred to a qualified recipient as a result of this listing not more than six months after it is so listed, the property will be treated as having been transferred not more than three years after being placed in service.

Expansion of R&D credit for university basic research and scientific education

Under current law, in order to qualify for the R&D credit, the taxpayer must increase its R&D expenditures over its base year research expenses. The base year research expense is the average of the taxpayer's qualified research expenses for the three years preceding the current year. Qualified research expenses include both research which the taxpayer performs on its own account and research for which it contracts (contract research). Included in contract research is 65 percent of amounts paid to universities to perform basic research.

Elimination of University R&D from Base Period Research.—Under current law, payments to universities for the performance of basic research is discouraged, since the inclusion of such payments in the base year research expense computation make it more difficult to qualify for the credit in subsequent years. This is compounded by the fact that payments to universities for basic research are much less likely to result in a return to the taxpayer, since, by definition,

basic research is for the advancement of scientific knowledge, not having a specific commercial objective.

In order to remove this impediment, and thus encourage more payments to universities for basic research, this bill eliminates such payments from the computation of base period research expenses. This can be illustrated using an example comparing current law to the provisions of this bill.

	Current law	This bill
Third previous year:		
Nonuniversity R&D	$1,000	$1,000
University basic research	200	200
Second previous year:		
Nonuniversity R&D	1,200	1,200
University basic research	800	800
First previous year:		
Nonuniversity R&D	1,000	1,000
University basic research	1,000	1,000
Base period research expense	1,733	1,067
Current year R&D:		
Nonuniversity R&D	800	800
University basic research	1,200	1,200
Current year R&D subject to credit	267	933

Expansion of Credit to Scientific Education.—While current law allows 65 percent of payments for basic research to be treated as contract research expenses, this bill adds two additional categories of payments which will be so treated.

First, payments by taxpayers to fund faculty salaries in mathematics, engineering, computer science, or the physical or biological/biomedical sciences in higher education would qualify. However, in order to qualify, the taxpayer must be obligated under a binding agreement to make the same or greater payment for at least three consecutive years.

Second, contract research expense will include amounts paid to fund scholarships, grants, or loans to graduate students in those academic disciplines.

In order to qualify as contract research expenses for a year, the sum of the amounts paid by the taxpayer to fund faculty salaires, scholarships, grants, and loans under this provision, must exceed a base period contribution amount. The base period contribution amount is the average, for the preceding three taxable years, of all payments made by the taxpayer to institutions of higher education which qualify for a deduction under section 170, and which were not designated by the taxpayer to be used for faculty salaries or for graduate student scholarships, grants, or loans.

Expansion of Qualifying Research Organizations.—Current law allows payments to universities for basic research to be treated as contract research expenses, and also allows payments to certain other organizations to be so treated. In order to qualify, an organization must be described in section 501(c) (3), and be exempt from tax under section 501(a); it must be organized and operated primarily to conduct scientific research; and it must not be a private foundation.

This bill adds a new category of organization, payments to which will qualify as contract research expenses for purposes of the R&D credit. Under the bill, in order to qualify as such an organization, it must be described in section 501(c)(3) or (6) and be exempt from tax under section 501(a); it must be organized and operated primarily to promote scientific research or scientific education by universities of other organizations which qualify under current law; and, it must expend, on a current basis, substantially all of its funds, through grants or contracts for basic research or scientific education (within the meaning of new section 174A) by universities or other qualified research organizations described above.

Exclusion from gross income of certain scholarships, grants, or loan forgiveness

New section 117A is added to the Code to provide for the tax treatment of amounts received by graduate students in mathematics, the physical or biological/biomedical sciences, computer science, or engineering, in the form of scholarships, grants, or loan forgiveness. Such amounts will be excluded from the student's income, in the case of scholarships and grants, even though the student may be required to provide teaching or research services for the institution as a condition of receiving the amount. In the case of loan forgiveness, such amounts will be excluded from the student's income only if the student is required to provide teaching services to an institution of higher education as a condition of receiving the loan forgiveness.

Effective date

The amendments made by the bill apply to taxable years beginning after the date of enactment.●

ENDING MARTIAL LAW ON TAIWAN

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. SOLARZ. Mr. Speaker, on May 20, Senators PELL and KENNEDY, Congressman JIM LEACH and myself, had a news conference to mark a most unfortunate anniversary: 34 years of martial law on Taiwan. During the press conference, we announced our sponsorship of concurrent resolutions in the House and Senate urging an end to martial law on Taiwan and a restoration of democracy and human rights there.

At the conclusion of the press conference, Dr. Trong R. Chai, president of the Formosan Association for Public Affairs, presented a statement which, in my judgment, provides exceptional and clear testimony on behalf of our resolution. Dr. Chai, who resides in Short Hills, N.J., is a professor in the College of the City of New York. I commend him for an impressive statement regarding the human rights situation on Taiwan, for his denunciation of the recent violence on Taiwan, and I commend to my colleagues his thoughtful remarks.

They are printed below.

MARTIAL LAW MUST END IN TAIWAN FOR THE SAKE OF PEACE

(By Trong R. Chai, president of the Formosan Association for Public Affairs)

Today marks the 34th anniversary of the declaration of martial law on Taiwan. The Formosan Association for Public Affairs (FAPA) joins our friends in Congress in urging the Taiwan authorities to end martial law and to restore political and human rights to all the people on Taiwan.

For more than one-third of a century, the Kuomintang (KMT) has imposed martial law on the Taiwanese. As a result, according to a recent State Department human rights report, during this period fundamental human rights have been and still are being denied in Taiwan, such as the following:

The right to strike: "Walkouts and strikes are prohibited under martial law. Collective bargaining, although provided for by legislation, does not exist."

Freedom of speech: "Persons who speak favorably of communism or the People's Republic of China, or persons (usually native Taiwanese) who question the legitimacy of Taiwan's mainlander authorities by suggesting support for Taiwan independence or self-determination, can expect to be charged with sedition and tried in a military court."

Freedom of press: "Even periodicals which are cautious in their selection of articles for publication have been banned from time to time. The ban of a single issue of a magazine may be followed by suspension of the publication's license for one year. In 1982, three magazines received this punishment."

Freedom of assembly: "While assembly for nonpolitical purposes is generally permitted, public assembly for political purposes, except during elections, is often prevented under martial law."

Freedom of association: "Taiwan is dominated by one party. The Nationalist Party has ruled Taiwan since 1945 and is a 'revolutionary' party whose structure and control mechanism are based on early Soviet models. Party organs exist at all levels of the ruling structure, as well as in the military, schools, and other public institutions. New opposition parties are forbidden under martial law."

Taiwanese society has been suppressed by KMT institutionalized violence, all in the name of martial law. In the past three decades, countless young, enlightened men and women have been systematically intimidated, imprisoned or have perished in the dark corners of jails. Such examples abound. Candidate Pai Ya-tsan was sentenced to life imprisonment for distributing his campaign literature calling for Chiang Ching-kuo to disclose his personal properties. Mr. Lei Chen was imprisoned for 10 years for attempting to organize an opposition party; his associate, Mr. Li Wan-chu's newspaper was ransacked. Professor Peng Ming-min and his students were convicted by a military court for attempting to publish their opinion on the future of Taiwan.

The KMT has brutally treated its political prisoners. Campaign worker Yan Chin-hai was stripped of his clothes and forced to crawl on the floor while imprisoned. Lawyer Lin Yi-hsiung's mother and twin daughters were murdered after he had disclosed his mistreatment at the hands of his captors. Professor Chen Wen-chen of Carnegie-Mellon University was tortured to death on account of KMT spy reports from the United States. In fact, the Taipei authorities' violent treatment of prisoners has been well documented by international human rights organizations: gasoline being forced down the nostrils, hanging by the feet, needles inserted underneath fingernails, electrical shocks being applied to the body, etc. For these and other reasons, the most popular writer in Taiwan, Mr. Li Ao, recently called the KMT a party of violence.

The "Universal Declaration of Human Rights" clearly proclaims that "it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that

human rights should be protected by the rule of law. . . ." Taiwanese society is being forced to defend itself against KMT tyranny and oppression. The intensified KMT suppression of legitimate political aspirations for democracy and KMT deprivation of basic human rights in Taiwan through martial law measures have frustrated the people's hope for freedom and democracy. Once this hope is dashed, people have no other way but to turn to resistence. The danger of meeting KMT violence with counter-violence is real. Such a trend is currently on the rise among the people of Taiwan. A case in point is the recent bombing of the Central Daily News, the KMT propaganda organ which has repeatedly advocated violence against its opponents.

It is most unfortunate that resistence has taken the form of an act of violence. The FAPA deplores and condemns all kinds of violence by all sides.

Realizing the potential catastrophe of violence which could bring turmoil to Taiwanese society, the FAPA must redouble its peaceful commitment to eradicate the root causes of such violence. We have repeatedly called on the Taipei authorities to end martial law in Taiwan, thereby giving democracy a chance. We must continue to do so until martial law is lifted. We cannot overemphasize our dedication to the improvement of the human rights, interests and welfare of the Taiwanese people through peaceful and diplomatic means.

As an entirely independent organization pursuing its goals to promote human rights, freedom and democracy for the people of Taiwan, we appeal to the peace-loving people of the United States and the world to urge the Taipei authorities to end martial law and its repressive measures. It is high time that the Taiwan authorities abandon their repressive policies before further confrontations arise that would endanger the peace.●

SISTER ELIZABETH PARENTE

HON. JOSEPH G. MINISH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. MINISH. Mr. Speaker, I am very pleased to offer a few words before the House today to mark a joyous occasion in the life of a remarkable woman. Sister Elizabeth Parente of New Jersey, is celebrating her 50th year—her golden jubilee—as a sister in the Religious Teachers Filippini.

Sister Elizabeth has enjoyed an interesting and varied career, marked by numerous accomplishments. She has, of course, dedicated her life to the church where she has been instrumental in education and in developing the community life of her religious order. For instance, during the past 3 years, Sister Elizabeth has established one of the largest teaching centers in New Jersey.

Sister Elizabeth began her religious life at Villa Victoria, in Trenton, N.J. During her 27 years there, she was an active and important member of the cultural community. An accomplished musician, she is also a performer and composer, having had many of her compositions published. During the period of her service in Trenton, she also established the Helene Fuld Preparatory Nursing School, which was one of the first of its type in this country. After living and working in Trenton, she moved to Morristown where she founded the Villa Walsh Academy.

Sister Elizabeth has also traveled throughout the world and she lived in Israel for 5 years, where she helped to establish the University of Bethlehem and where she developed a light and sound project depicting the life of Christ on the top of the Mount of Olives.

Through her tireless work for the community, her contributions to the arts, and education, Sister Elizabeth has enhanced the lives of many, from all religious backgrounds. It is my honor to be able to participate in Sister Elizabeth's golden jubilee and want to wish her many more years of happiness and health.●

BAN ON VOA REPORTERS IS OUTRAGEOUS

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1982

● Mr. PORTER. Mr. Speaker, I recently read in the Wall Street Journal that Federal employees are denied the necessary credentials to sit in the House and Senate press galleries.

As a result, reporters from the Voice of America, Radio Free Europe, and Radio Liberty, radio programs which receive $200 million annually, are banned from press conferences and other congressional media events that reporters from Pravda, Tass, and other Communist government publications are allowed to attend.

For the benefit of my colleagues, I am inserting in the CONGRESSIONAL RECORD, the Wall Street Journal editorial critical of this outrageous situation.

The editorial follows:

READ ALL ABOUT IT!

Among the hordes of Clark Kents in Washington gathering the most up-to-date news about the goings-on in government, there are a few unsung heroes. Namely, the correspondents for Tass, Pravda, Izvestia, Hungarian News Agency, East German News Service, China's Xinhua News Agency and Soviet TV and Radio. These reporters work diligently to explain the complexities of our freely elected government, upholding the finest journalistic traditions of their native lands, and are thus accorded official credentials to cover the U.S. Congress.

Not so much can be said about the scribblers who toil at the Voice of America or Radio Free Europe/Radio Liberty. American taxpayers provide more than $200 million every year to subsidize these operations to bring news of the free world to more than 100 million listeners behind the Iron and Bamboo Curtains. This, of course, makes the VOA and Radio Free Europe correspondents propagandists. Obviously, these hacks aren't decent enough to cover the hearings, speeches and votes of our luminaries on Capitol Hill.

That at least is the official position of the Washington press corps, represented by the Standing Committees of Correspondents, which decide who gets official accreditation. The Standing Committee is composed of journalists elected by the Capitol Hill press corp, incidentally including the valiant reporters from the Soviet Union, Eastern Europe and China. Officials of the government-run VOA and the government subsidized but privately operated Radio Free Europe/Radio Liberty keep asking for accreditation, so they can have the privilege of sitting in the congressional press galleries. But their fellow Washington journalists keep turning them down.

It all goes back to Senate Rule 33, adopted in 1877, that denies press credentials to anyone employed "in any legislative or executive department or independent agency of the government, or by any foreign government or representative thereof." Depending on who tells it, the rule was adopted either to keep the executive branch from spying on Congress or to foster objective journalism instead of the yellow kind. Whatever, the press committees have maintained over the last 40 years that VOA reporters should be denied gallery passes because they are government employees. Only last year was this ban extended to cover reporters of Radios Europe and Liberty. (The committees continue to accredit correspondents of National Public Radio, which is also partly government funded.)

What about the ban on employees of foreign governments? Why are Tass and Pravda allowed in? In 1950, it seems, the Correspondents Committees bent the rules a bit under pressure from the State Department and major U.S. news agencies, which feared retaliation against American correspondents in Moscow.

But when it comes to VOA and Radio Free Europe/Radio Liberty, whose listeners rely on them to fill in the news that the Tass and Pravda reporters on Capitol Hill might have missed, the good men and women of the Washington press corps refuse to cede their principles.●

THE REVEREND JULE AYERS, D.D., RETIREMENT

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. HARRISON. Mr. Speaker, on Sunday evening, June 5, the congregation of the First Presbyterian Church in Wilkes-Barre will honor their minister, the Reverend Jule Ayers, D.D., on the occasion of his retirement from the pulpit after 39 years of service.

This occasion, Mr. Speaker, is one both for celebration and for sadness in the entire Wyoming Valley.

With Jule Ayers and his gracious and equally dedicated wife Alice, we celebrate 39 years of devoted service to God and man, of pastoral care, of military service, of volunteer work within the community, of ministering to the

needs of thousands, both in body and soul. At the same time, we express our sadness that this outstanding career will now come to a close.

Jule Ayers was born in Detroit, Mich., on March 12, 1911. He graduated from Detroit Northwestern High School in 1929 and the University of Michigan 4 years later. In 1936, he graduated from the Union Theological Seminary in New York.

After pastoral assignments in New York and service as a chaplain with the 36th Fighter Group in the U.S. Army Air Force, Dr. Ayers came to Wilkes-Barre in 1944.

In addition to his work in pulpit and parish, on the streets and in community halls, he has found time to serve as a member of the board of directors of civic organizations almost without number. Important among them are the Family Service Association of Wyoming Valley, the Citizen's Advisory Committee to the Luzerne County Commissioners, the Board of Trustees of the YWCA, the Kiwanis Club, the Osterhout Free Library, public television station WVIA-TV, the Labor-Management Citizens Committee of the Chamber of Commerce, and the Citizen's Advisory Committee for the Selection of the First City Manager for the city of Wilkes-Barre. He has served as president of the Wyoming Valley Council of Churches and as moderator of the Lackawanna Presbytery. He has been chairman of the division of social relations of the Pennsylvania State Council of Churches and president of the Pennsylvania State Pastors Conference. I could go on and on, Mr. Speaker, and the time available could not exhaust the organizations Dr. Ayers has served and the good work he has done.

His service to mankind has been recognized by no less than three institutions of higher learning: By Lafayette College with the honorary degree of doctor of divinity, in 1953; by Wilkes College with the honorary degree of doctor of humane letters, in 1974; and by my own alma mater, King's College, with the honorary degree of doctor of laws, in 1983.

But more important than the degrees and the honors, more important than service on boards and community recognition, have been the contributions which Jule Ayers has made in small, countless, everyday ways. He has always been a compassionate heart, a willing ear, a shoulder to lean upon. Without respect to race, to creed, to religion or to ethnic origin, Dr. Jule Ayers has been a friend to mankind. When there have been community efforts, he has led them. When there have been community controversies, he has not been afraid to speak out for what he believed to be right.

We are fortunate, Mr. Speaker, that while he is retiring, Jule Ayers is not leaving us. He will remain in the community. The congregation of the First Presbyterian Church and his many friends beyond the limits of his pastorate are endowing the Jule and Alice Ayers Foundation, of which he will be the first director. In this way, he will be able to continue his lifelong avocation of helping those in need and participating in all facets of community life. He has been elected to a term seat on the board of the Osterhout Free Library, on which he has sat these many years ex officio by virtue of his pastorate.

Mr. Speaker, it is an honor and a pleasure for me to join with the congregation of the First Presbyterian Church, with the entire Wyoming Valley community and with tens of thousands of men and women whose lives are better because they have known Jule and Alice Ayers, in paying tribute to a magnificent career and in wishing two wonderful people many, many more healthy and happy years of dedicated service to God and man.●

MEDICARE: IDEAS FOR REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 1, 1983, into the CONGRESSIONAL RECORD:

MEDICARE: IDEAS FOR REFORM

In the past several years, no constituent at my public meetings in southern Indiana has been more difficult for me to respond to than the one who asks what can be done to restrain rising health care costs. I am hopeful that a "quiet revolution" is underway—one which promises some relief from the soaring cost of staying healthy. Hospitals have come together in an industry-wide "voluntary effort" to cut costs. States have saved millions of dollars by reimbursing hospitals through "fixed-fee" plans. Corporations have set up new benefit packages and "wellness" programs for their workers. Private insurers have promoted both out-patient treatment to trim expense and cost-sharing to discourage unneeded treatment. Free-standing surgical clinics and doctors' offices in shopping centers are cutting health care costs as they gain wider acceptance. The federal government has made cost-saving reforms in its health care programs. As a way of making people aware of the need to save and prompting them to buy less costly policies, the President wants to tax employer-paid health care insurance premiums if they exceed $175 per month per family.

How to make adequate health care available at reasonable cost, especially in connection with medicare, is an issue that will occupy Congress for years to come. Perhaps the most significant savings would come from a general containment of rising hospital costs made possible by the private and public measures just mentioned. In addition, many particular initiatives to cut medicare's costs have been proposed. The ones most likely to be considered are those that would retain medicare's basic structure while modifying certain features of the program to make it less costly.

Some of these initiatives are not yet yielding savings. Others are under study only. Many would make major changes in the way we pay for health care. Several would cause users of health care services to pay more. The initiatives will not be, nor should they be, accepted into. But their very number suggests the seriousness of the problem and gives us reason to believe that steps are being taken to slow the relentless climb of health care costs. The initiatives include:

1. Making people pay more so that unneeded health care is avoided. Since 90% of all hospital costs are covered by third-parties (governments, private insurers, and so forth), people are insulated from actual costs and often may seek health care they really do not need. Medicare's deductibles and co-payments might be raised in an effort to make beneficiaries more cost-conscious.

2. Cutting back extraordinary treatment of the terminally ill. About 30% of medicare's payments to hospitals cover the extraordinary treatment of the terminally ill—beneficiaries whose health care expenses are almost seven times those of other people in the program. The terminally ill often could find adequate but less costly health care in nursing homes, hospices, or their own homes. Congress recently agreed to cover health care for the terminally ill outside the hospital, and it will continue to address the issue of payment without limit for extraordinary treatment of the terminally ill.

3. Emphasizing preventive health care. Medicare should focus more on the prevention of illness by expanding allowances for vaccines and taking other similar steps. Along the same lines, medicare might cut its payments to beneficiaries whose habits are unhealthy. A smoker who damages his lungs might have to pay more for treatment.

4. Reducing coverage of the well-to-do. Medicare pays the health care bills of all elderly without regard to their finances. The projected benefits for 1982 retirees are about 28 times greater than their contributions. Proposals to trim benefits for those high-income people who can easily afford to pay more include a higher premium for co-insurance and a tax on benefits.

5. Requiring the family to help pay for the parents' health care. Under new "family responsibility" laws, some states ask adults to help defray the cost of caring for their parents in nursing homes. Congress might modify medicare in the same manner. To ease the burden on the family, the payments might be made from a beneficiary's estate after his death.

6. Giving hospitals incentives to save. Congress already has established a system of prospective reimbursement for hospitals. Rather than covering all costs incurred, medicare now rewards efficiency by paying a predetermined sum for the treatment of each beneficiary's diagnosed illness. Other incentives are being discussed.

7. Providing doctors with incentives to keep costs down. Tests ordered by doctors account for two thirds of the typical hospital bill. There might be fewer unneeded tests if the federal government either revised the way in which allowable charges are set or listed doctors who do not bill beneficiaries for excess expenses.

8. Eliminating fraud and abuse. Perhaps one doctor in 20 defrauds or abuses programs of health care insurance. To help

solve the problem, an inspector general now monitors medicare. Also, stronger procedures and penalties are now law. Tougher oversight could mean that hundreds more doctors no longer would participate in medicare.

9. Encouraging competition in health care. Because competition pushes costs down, the federal government might support more alternatives to the traditional "fee-for-service" arrangement. One alternative is the health maintenance organization (HMO), which makes health care available to its members at prepaid rates. Due to action in Congress last year, beneficiaries of medicare may now join an HMO. This year, Congress may pass a bill permitting them to select other alternatives.

10. Easing the regulatory burden on hospitals. Although hospitals may see more rules to control costs, steps are being taken to root out red tape that only makes a stay in the hospital more costly. If successful, these steps will mean less paperwork overall, more flexible compliance, and fewer outdated rules.●

LOS ALAMOS PRESIDENTIAL SCHOLAR

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. RICHARDSON. Mr. Speaker, I want to draw my colleagues attention to an article that recently appeared in the Los Alamos Monitor, a newspaper in my district.

This article, written by Monitor reporter Tamara Schonsberg, shares the story of a special educational relationship that led to the award of a Presidential scholarship—one of the highest honors a high school student can receive for academic excellence.

Eighteen-year-old Rachel Mischke, a graduating senior from Los Alamos High School, is one of 141 seniors across the country to earn the distinguished Presidential scholar designation this year. The competition was stiff and all of us in the Third Congressional District are proud of Rachel's academic achievements. No one could be more proud than Rachel's parents Dick and Alice Mischke or her high school mathematics teacher Cathy Strong.

Mrs. Strong's dedication as a teacher and support as a friend helped to inspire Rachel to achieve the highest academic recognition bestowed on high school seniors. This cooperative educational relationship should serve as an example to parents, teachers and students everywhere.

Mr. Speaker, I hope my colleagues will take the time to read this thoughtful piece.

[From the Los Alamos Monitor, May 19, 1983]

MATH TEACHER HELPS PRESIDENTIAL SCHOLAR REACH THE TOP OF THE LIST

(By Tamara Schonsberg)

Rachel Mischke and Cathy Strong are the best of friends.

And both give the relationship a lot of credit for getting Mischke where she is today.

Mischke is finishing her Advanced Placement exams, getting ready for graduation—and enjoying her recent designation as a Presidential Scholar.

At this time of year, announcements of awards and scholarships are almost commonplace in Los Alamos. Perspective on Mischke's award, however, can be found in the numbers.

She is one of 1,000 seniors picked as candidates for the national Presidential Scholar program; she is one of 141 seniors picked as Scholars; and there are an estimated 2.8 million graduating seniors in the country this year.

One of Mischke's classmates, Tasha Neeper, also was selected as a candidate for the program, but wasn't picked as a Scholar.

The criteria were fairly stiff.

Mischke was notified before the high school's spring break in late March that she had been chosen as a candidate for the Scholar program.

She was only vaguely aware of the program at first. She found out only later that selection of candidates is made based on ACT or SAT scores and the information provided in an optional student questionnaire included in those college-entrance tests.

To become a Scholar, the candidates had to provide information about themselves, the classes they had taken and the activities they were involved in. And, they had to answer six essay questions.

One question asked Mischke what one of her dreams is and how she would go about fulfilling it. Another asked her why she thought of herself as a leader. Another asked her to name two books or concerts that had had a meaningful impact on her life and why.

And one question offered an option of five topics to discuss in an essay. The topics included a discussion of law versus human freedoms or a discussion of mathematics as a philosophy.

Mischke chose the math question.

And one question asked her what it would mean to her to be a Presidential Scholar.

After outlining her many academic achievements and activities in her written response, Mischke concluded:

"My learning experiences and achievements won't stop with my graduation from high school. My formal training will continue through college and possibly graduate school. I will never cease to be a scholar, however, since I will continually be learning and striving to improve myself and the world around me. And after all, isn't that what being a Presidential Scholar is meant to be?"

Mischke estimated that she spent more than 40 hours completing the questionnaire and essay questions, using up most of her spring break vacation time.

But she knew beforehand that she really wanted to make that expenditure of time.

Before she took pen in hand, Mischke said, she figured that she could earn $1,000 if she took on a summer job. But if the "gamble" of shooting for being a Presidential Scholar paid off, she would have a $1,000 scholarship in hand, she said.

"It would be a good trade-off," she decided.

For Mischke, the gamble did pay off.

In late April, she received a mail-o-gram.

Her father, Dick Mischke, speculated that it was more forms and essay questions, she said.

The packet did include more forms and essay questions—but it also included the announcement that she was a Presidential Scholar.

Mischke had to make time to get excited about the news. She had traveled to Princeton right after spring break to check out the campus, then she went on an orchestra tour, then she started rehearsals for a part in "Who's Life Is It Anyway?" and then she launched into studying for her exams in her Advanced Placement courses.

She was too tired to really be ecstatic when the mail-o-gram came, Mischke said, but "it was good. It was exciting. It all paid off."

In addition to the $1,000 scholarship, provided by the Geraldine Dodge Foundation, Mischke will travel to Washington, D.C., next month for a week's stay. During that week, she will participate in a presentation ceremony on the White House south lawn. Presenting her with a Presidential Scholar medallion will be President Reagan and Education Secretary Terrell Bell.

Mischke will use the scholarship money when she attends Princeton where she plans to major in either math or the physical sciences.

For the first time in the Presidential Scholar program, the student recipients were asked to bring with them to Washington and the presentation ceremony the teacher who "most significantly contributed" to their secondary education.

Mischke sent in the name of Cathy Strong.

Strong was Mischke's math teacher for her first two years of high school, and she is the senior's adviser.

"She was an excellent teacher, and she helped me a lot," Mischke said. "She's also my adviser, and she's been very influential and helpful."

Strong made sure that Mischke was taking the right tests, getting the right scores and applying for the right colleges and scholarships, Mischke said. And she filled out all the teacher recommendations that Mischke ever needed.

"I'm sure she's very influential on my getting chosen for things," Mischke said. "Because she takes the time . . . to tell them what I'm like as an individual, what my personality is, examples of what I do. And that's what they want to see. . . . So I have to give her credit for winning any of these awards—plus, she's a very good friend."

Mischke admits to being somewhat of an academic workaholic, and she said Strong makes sure she doesn't burn herself out.

"I tend to be a perfectionist," Mischke said. "I'm loosening up right now. But I tend to like everything perfect—which can be a problem because it can't be. . . . She (Strong) bawls me out when I need to slow down or relax. . . .

"She's just the teacher who has helped me the most, and she's been a friend. Most of my teachers are just teachers."

Mischke spoke of her relationship with Strong when Strong wasn't in the room. But when Strong returned, and responded to the same question, her response was almost identical.

"We get along pretty well," said Strong, who wasn't told by Mischke that she had been named her most influential teacher. Strong found out when she received a certified letter from the federal government.

"We're friends," Strong said. "Rachel doesn't need much guidance . . . except to keep her from working to hard . . . And Rachel, without a doubt, is one of the finest students I've ever had. She's just an amazing girl."

In that sense, Mischke's Presidential Scholarship didn't really surprise Strong. And Strong has a pretty good track record of her own. She has taught, at one time or another, at least three other Presidential Scholars from the Los Alamos Schools.

Both Strong and Mischke have some words of advice for students who also would like to be Presidential Scholars.

First, Mischke said, the program can't be applied for. Someone somewhere—she's not sure exactly who or where—looks at SAT and ACT scores and the student questionnaire included in those exams to pick the 1,000 candidates. So Mischke's main advice is to fill out that student search service questionnaire, which is optional.

The stated purpose of the survey, which asks about a student's activities and achievements and interests, is to disseminate to colleges. Some students don't complete the survey because they don't want to be bombarded with information from colleges and universities throughout the country, Mischke said.

But "I'm wondering how many got knocked out of the competition by not filling that out," she said.

And Strong said it doesn't hurt to be a finalist in the Merit Scholarship program, which Mischke is.

"That will help you more than most things," Strong said.

Generally, and perhaps most importantly, the student should be involved in school and community activities as well as being well-versed academically, Strong and Mischke said.

"Colleges and scholarships don't want just straight A's," Mischke said. "They want you to be able to do both (do well academically and be involved in activities)."●

CALIFORNIA DREAMIN' COMES TRUE

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. DYMALLY. Mr. Speaker, California has long been regarded as the land of opportunity. Many people have made their fortune in our great State, but few have done it with as much love and concern for his family and coworkers as Edson Mitchell. And few have started from a position of such disadvantage. Orphaned twice by the age of 15, Eddie had lived in 16 foster homes by the time he struck out on his own at the age of 15. Many people work their way through college. Eddie worked his way through high school and still had time to become a businessman as well as a classical pianist. Recently his story was told in the magazine, Franchising World. In our present hard times, we need to be reminded that energy and drive tempered with love and a regard for humanity can still bring the human spirit to triumph. I, therefore, respectfully submit for the RECORD the story of Eddie Mitchell, as originally printed in Franchising World.

The material follows:

Eddie Mitchell gives other people all the credit. But there's no denying the force, the personal conviction that comes straight from this man alone. Somehow, he makes you believe—in him, in family, in everything right and wholesome. To look at his beginnings, the end seems a miracle.

Today Edson Mitchell owns the Pioneer Take Out Sacramento area franchise—six restaurants (so far). But along the way, Eddie's done it all.

Orphaned at age seven, he passed through 16 different homes before he settled with foster parents at age 12. Tragically, they too died when Eddie was 15. Still, his foster parents left an important legacy for Eddie when they introduced him to classical piano, which he mastered in three short years. "I was with my finishing teacher at 15. I think I could have been a classical pianist." Later whenever times got rough (or for "therapy") Eddie would turn to his music. But that's jumping ahead.

When his foster parents died, Eddie was left alone and drifted a bit through jobs like sandblaster and fork lift driver. At 17, he decided to go back for his high school diploma. As his own sole support, the decision necessitated rising early for a morning bakery job and selling apple/cherry turnover pies after school. "I bought them for a dime and sold them three for a dollar." Selling upwards of 80 pies per day meant a busy sideline in 1957, but Eddie still had time to play sports and run for student body president.

After a post-graduation stint as a ceramic tool maker, the Army called. He tempered his military duties as battalion mail clerk in West Germany by leading and playing piano in a rock 'n roll band. "We piled the whole band and all our amplifiers and drums into the back of a black Mercedes and toured Germany."

Pioneer Take Out Corporation, headquartered in Los Angeles, entered Eddie's life in 1969, after his army tour. He was married with two children, attending college, and working three jobs. "I was playing music professionally at the time, six nights a week. It was slowing down because acid rock and drugs were in. It definitely wasn't my style." So, on top of the music, he did occasional "beef lugging," and took courses at Santa Monica City College. Meanwhile, Eddie squeezed in training as a food manager at a hamburger restaurant. "I was working 80 to 85 hours a week and they still weren't satisfied so I told them where to put their job," he recalls.

Then Eddie heard that Pioneer was looking for managers. They hired Eddie on the spot. "I started as a utility manager earning $800 a month. I was still working 60 to 70 hours a week, but it was different. Rick (Pioneer president, H.R. "Rick" Kaufman) came down to visit all the time. It was like family. They cared."

By the second year with Pioneer, Eddie and a partner were trouble-shooting for 30 Pioneer stores. "The biggest problem was making all the orders and all the deposits for so many stores."

Before long, he was urging Pioneer to turn over just one store that Eddie could pour his energies into and make successful. Pioneer went a step farther. In 1971, Paul Wilmoth, Pioneer's vice president, called Eddie to ask how much money he had. Undaunted by the discovery that Eddie had a meager $1,000 savings, Pioneer gave Eddie the franchise anyway. In return Pioneer took the savings plus a note for the remaining $12,000 due and payable in three years. Now, two hard-working years later, Eddie Mitchell owned a franchise in Van Nuys.

"It was real run down. In fact the store's previous owner had done such a bad job that for my own lunch, I used to go next door and buy my cole slaw from the Colonel."

Gradually, though, with Eddie's undivided devotion and Pioneer's clever advertising, Van Nuys began to pay off. When his note became due, Eddie had nearly saved the $12,000 he needed. But not quite. Fortunately Pioneer gave him an extension.

"It was really good of them, because by now the store was worth sixty or seventy thousand dollars and I was getting it for twelve," Eddie remembers.

It would have seemed a good time for a rest—but rolling stones, etc. Anyway, enter Charles Patron, financial adviser. "I owe a lot to him. He's the brains behind my whole operation."

Taking Eddie's Van Nuys location and his home Patron "hocked them" and put together a $75,000 SBA loan package so Eddie could buy the North Hollywood Pioneer Take Out. Eddie took the risk mainly to help out Ernesto Baltran, the cook from his Van Nuys store. "I knew that Ernesto would only grow if I grew. He deserved a better living too."

Over the years, Eddie has given back freely to Ernesto and others who have worked with him. Predominantly Spanish-speaking, these loyal co-workers have benefitted in many ways: English lessons, high school diplomas, citizenship sponsoring—and always, a chance to move up in Eddie's operation. But Eddie won't take much credit for his generosity. "They've had faith in me, given me 8 or 9 years of their life. I want more than anything to see them happy."

Eddie gives Pioneer Take Out Corporation credit also. "I could never have done it on my own. Pioneer had faith in me in a lot of ways. Franchisee, franchisor—we're all one family."

One of Eddie's proudest accomplishments was designing the front of the North Hollywood location. "Tiffany chandeliers, indirect lighting over wooden booths with cushions, brick flooring—very very warm" he explains. And, very very successful. Just 10 weeks after opening in North Hollywood, Eddie was able to pay off, in cash, the entire $36,000 note he had with the bank. Unheard of.

Next Eddie took off time to invent a special machine for filtering cooking oil. Eventually, it was manufactured by another company, but Eddie still owns the patent. "It extends the life of the shortening and 150 Pioneer franchisees use it now."

A third Pioneer store was added in 1976. This one was intended to bring his brother Butch, then a Navy man, into the business. "He didn't know a thing," Eddie laughs. I'll never forget when we got real busy, I sent him out front. Somebody wanted to know what the "12 Piece Bucket" was. Butch just stammered, "I honestly don't know, but I figure it's gotta be twelve pieces of chicken."

By 1979, Eddie Mitchell was grossing $31,000 a week from his three stores. He might have slowed down then but instead,

Eddie hocked all his assets to buy the area franchise for Sacramento. "That's a story in itself," Eddie will tell you. "This is the toughest yet. It makes Van Nuys look like a piece of cake." The recession plus fierce competition from five other chicken chains in the California capital add up to a serious challenge.

But, Eddie's in high gear. Already he's developed (perfected now, he insists) a new product which boosted sales in three Sacramento locations by 18-22 percent a week. "With Pioneer behind me marketing this product, we can be Chicken King in Sacramento."

In the end, Eddie concludes that "only God knows for sure" if his six Sacramento stores will make him and his extended family comfortable forever. But, Eddie says, he has faith. "I don't intend to fail, I'm just gonna do it. I will make it." And that's when he'll settle down—with his music. "All the time, it's my therapy. My music is where I'm going."

Bon voyage, Eddie Mitchell.●

THE DEATH PENALTY AND THE ROSENBERG CASE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. EDWARDS of California. Mr. Speaker, June 19, 1983, will mark the 30th anniversary of the executions of Julius and Ethel Rosenberg. This seems to me an appropriate time to share with my colleagues testimony prepared by the National Committee to Reopen the Rosenberg Case and presented to the House Judiciary Subcommittee on Criminal Justice last December. I believe my colleagues will find the statement of National Committee Director Aaron Katz insightful and thought-provoking. The statement follows:

STATEMENT OF NCRRC ON "THE DEATH PENALTY AND THE ROSENBERG CASE"

[For record of Dec. 16, 1982, hearing]

The National Committee to Reopen the Rosenberg Case appreciates the opportunity afforded by this hearing and wishes to record its opposition and repudiation of capital punishment. It was a tragic effect of capital punishment which resulted in the establishment of our committee. To obviate the need for committees such as ours, we look forward to the total abolition of capital punishment, and to restoration of the integrity of American judicial processes.

We are opposed to capital punishment for many reasons, but this statement will deal with our primary concern, "the possibility of irreversible error," and its potential "cover-up" aftermath. Wrongly imprisoned people can be released, but wrongly executed people can never be restored to life.

Accused of being witches, many were executed by the Commonwealth of Massachusetts in the 1690's, in the hysterical atmosphere of the Salem Witch Hunts. It was too late to right the wrongs when sanity returned to the community. Sacco and Vanzetti were executed on August 22, 1927, and exactly fifty years later, the State of Massachusetts admitted error; wrongful executions. Fifty years too late, and no way to ameliorate the wrong; death is final.

June 19, 1983, will mark the 30th anniversary of the Rosenberg electrocutions. From the moment of their executions, no, months before the executions of Julius and Ethel Rosenberg, evidence of massive fraud and perjury of the chief prosecution witnesses began to mount. When the Second Circuit Court took note of "wholly reprehensible" prosecution conduct "which cannot be too severely condemned," there was still time to save the Rosenbergs' lives, if the Supreme court had but listened to the pleas of Judges Learned Hand and Jerome Frank and granted certiorari. However, by the time the courts recognized, after the Supreme Court's Grunewald decision, that the Rosenberg trial had been marred by the prejudicial and unlawful questioning by Prosecutor Irving Saypol and Judge Irving R. Kaufman, it was many years too late.

Consider this: Judge Kaufman had ordered the executions with the "justification" that the Rosenbergs had stolen the secret of the atom bomb and transmitted it to the Soviet Union, and they thereby were responsible for the war in Korea and "untold millions" of lost lives in the future. When top atomic scientists proved that what had been described as "the secret of the atom bomb" was worthless, a hoax, a caricature, and the government admitted this in the federal courthouse in New York, it was much too late to restore the Rosenbergs to life. Furthermore, it denied Morton Sobell the new trial which would prove his innocence and the innocence of the Rosenbergs. It would have taken an unusually courageous court to order for Sobell the new trial required by conscience and by law, when such trial would confirm for the entire watching world that their pleas to spare the Rosenbergs had been more than justified, and that our refusal to look amounted to legal murder.

As in the case of Sacco and Vanzetti, the Rosenberg case shows how capital punishment may be followed by cover-up, degrading an entire judicial system. It explains why honorable Supreme Court Justices Douglas and Frankfurter and Black protested the executions so passionately, and why the Supreme Court majority would close its eyes and its ears, refusing to review "the case of the century." The very day of the executions Justice Black voiced his bitter protest: "This court has never reviewed this record and has never affirmed the fairness of the trial below. . . . There will always be doubts."

To protect the cover-up, a U.S. President, Dwight Eisenhower, had to lie to protesting dignitaries in denying clemency, falsely claiming that all the courts had affirmed the fairness and appropriateness of the death sentences. And, as evidence accumulated of prosecution forgery, perjury and fraud, decent judges had to sacrifice their integrity, denying their principles, to protect their colleague's cover-up.

Fortunately, this country is blessed with a system of checks and balances. There are Judiciary Committees which have the authority to look into this cover-up, and to help with necessary legislation to restore the integrity of our judicial processes. Over one hundred law professors, led by Harvard Law School Professor Vern Countryman, have called upon the Senate and House Judiciary Committees to examine the prosecutorial role of Judge Kaufman in the trial, the sentences, and the cover-up resulting from this case of capital punishment. Appointment of a Commission of Inquiry by the House Judiciary Committee, to study and report on the Rosenberg Case, would be a desirable step in the right direction.

The National Committee to Reopen the Rosenberg Case urges your Committee, in considering the matter of capital punishment, to carefully examine the Rosenberg case and its aftermath. We are confident that such examination will prove the desirability of abolition. It will also demonstrate the need to reexamine the Rosenberg case and to establish the truth of the innocence of the Rosenbergs and Morton Sobell. In Sobell's case, partial amelioration is still possible, when he receives the full pardon which is his due.●

KEY CONCEPTS CONCERNING THE MARTINEZ VA PREMEDICAL PROGRAM UNDER THE DIRECTION OF MICHAEL C. GEOKAS, M.D., PH. D.

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mrs. BOXER. Mr. Speaker, I would like to bring to the attention of the House a program for premedical students being conducted at the Veterans' Administration Hospital at Martinez, Calif., under the direction of Michael Geokas, M.D., Ph. D.

Recently I visited this hospital to view the program in action and was tremendously impressed with what it is doing for our young people who are interested in pursuing a career in medicine.

The program stresses affirmative action for minorities and women and is a program which well might be adopted throughout the country.

At this point I would like to include in the RECORD a review of this program.

1. This is a leadership, self-discipline, and self-development program for premedical students, mainly women and members of minority groups.

2. This is an affirmative action program for minorities and women.

3. Students come from Bay Area colleges and universities.

4. The program consists of lecture overviews on clinical medicine and basic sciences, volunteer work at the Martinez VA Medical Center, counseling sessions for the students, and lectures on topics of interest by prominent citizens, elected officials, journalists, and Medical School faculty.

5. All participating faculty and students are volunteers.

6. The students are exposed first-hand to the intricacies of the hospital environment and have an opportunity to develop the empathy required to make a good physician and to understand the humanistic aspects of medicine.

7. The students are taught before entering medical school about the absolute requirement of complete dedication and the need to become perpetual students.

8. They are taught early about the significance of patient-doctor relationships, and the fact that high technology dehumanizes

patient care; they are taught respect and compassion for the sick, the young, and especially the old and helpless.

9. Emphasis is placed on the need for more women and minorities to become physicians by meeting the competition for medical school admission.

10. Encouragement of minority students is constant and the significance of continuous efforts in improving scholastic achievement is emphasized.

11. The results have been extremely rewarding and large numbers of women and minorities have been admitted to medical school.

12. Great emphasis is placed on family relationships and the need for students to obtain and maintain the support of their parents in their efforts for medical school admission.

13. This program helps the students to evaluate if they really have the stamina and the willingness to make the enormous commitment required to become a physician.

14. Thus, the program constitutes a good method for candidate selection for medical school. Students who do not possess the needed qualities of dedication and perseverance drop out quickly and follow other less demanding careers.

15. This type of program should be developed by medical centers and hospitals throughout the U.S. for a practical and rational selection of the appropriate candidates for medical school.

16. With early premedical school conditioning, dropping out of medical school can be avoided and that better selection of suitable candidates can be achieved.

17. The Premedical Program at Martinez is unique in this nation. It provides early exposure to hospital environments, direct teaching by medical school faculty, emphasis on community and public service, on compassion for the sick, and on self-discipline. It increases awareness of many different areas of medicine: Habit-induced diseases (e.g. smoking, drug abuse, alcoholism, and obesity), child abuse and detection, geriatrics, and problems of the profession such as cost effectiveness and medical ethics.

This type of program should be implemented across the United States. Medical centers should organize these programs so that they can attract the cream of the crop among the young who will become fine physicians in the new environment of high technology, regulations, paperwork, malpractice threats, and increased demand for accountability.●

RETAINING REGULATIONS TO PROVIDE BETTER TV PROGRAMING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. PHILIP M. CRANE. Mr. Speaker, I recently joined my colleague, Mr. HENRY WAXMAN, in support of his bill, H.R. 2250, to prevent the FCC from repealing the network financial interest and syndication rules for a 5-year period.

At this time, these rules are critical to our Nation's ongoing effort to bring more competition to the television industry and more program diversity to the American public. I support H.R. 2250 because it keeps in effect regulation that prohibits the three television networks from controlling the domestic rerun rights to programs they broadcast and thereby diminishing competition and diversity.

Concern has been expressed by some individuals that without repeal, the rules will harm and perhaps bring an end to "free" television. If this were the case, I would not favor such legislation. Television networks are portraying themselves as helpless underdogs who cannot compete with cable television and other video technologies. In addition they are trying to convince us that the American public will be robbed of "free" TV.

Let us look at the true situation. Networks currently are the prime-time choice of 80 percent of all Americans, and by CBS own estimates, they will still command 70 percent of the national viewing audiences by 1990. This is with the current rules in effect. Under H.R. 2250, the FCC would be able to consider repeal of the rules by 1988.

Networks also use the argument that they cannot compete with new technologies, especially the new pay systems. However, not only are network profits in the billions, but they are also being allowed to own a growing fraction of the Nation's cable and pay systems as well. Pay systems are at best a distant threat to the networks. The real competition is not pay TV, but independent television stations. These rules prohibit the networks from taking away a program producer's syndication rights—for example, the rerun rights to individual M*A*S*H episodes after the initial network broadcast contract is fulfilled. The prime-time access rule allows network-affiliated stations to control at least some portion of the prime time programing schedule.

Repeal of the rules could force small independent production companies and many independent TV stations—those not affiliated with networks—out of business. While large production companies might survive the repeal, they would be less likely to take susbstantial risks on new, creative programing. The rules promote program diversity by not only strengthening the role of independent television stations, but also by protecting the rights of independent program producers, thus helping to insure more diverse sources of programing.

With repeal, networks could very easily refuse to sell programs. After all, since they are competing against independent stations—which are all free TV stations—their real incentive would be to hold the syndications thus causing the rating points to go up for the networks. You must keep in mind that we are talking about several hundred thousand dollars per rating point.

With repeal, it could well be the end of competition by not only giving networks just more control, but virtually complete control. These rules were adopted in 1970 to promote the public interest in fair competition and diversity in prime-time TV programing. Before 1970 the FCC found that the networks had used their control over the television industry by determining not only what most Americans saw on TV but what they could not see. The Justice Department followed with antitrust suits, charging the three national networks with controlling the entire network television program production process, from idea through exhibition.

These rules have partially offset the overwhelming dominance of the networks. Yet as both purchasers and distributors of programing, they still dominate the TV industry today. The operation of the rules is simple. They prohibit the networks from taking away a program producer's syndication rights. Currently producers sell programs to networks, usually at a loss, and then hope to make money later with syndication sales. If a show is not successful enough to be syndicated, the producer has simply lost the amount in excess of the license fee. If, however, after several years of network exhibition, the show is syndicated, the producer will recover his losses and earn a profit. The networks, on the other hand, immediately recover their investment in a program through advertising dollars.

A phasein of deregulation would be more warranted because the level of competition in the video market today does not justify lifting those rules which were carefully designed to protect the public interest from the lack of competition now facing the networks.

These rules must not be repealed until the marketplace is better able to provide the additional diversity and competition necessary to serve the public interest. It is clear that rather than serving the goals of competition and diversity, repeal will undermine the competitive strength and vitality of alternatives to network programing.●

FINANCIAL VOYEURISM

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. FRENZEL. Mr. Speaker, in the May 31 Post, Carl Rowan had a piece captioned "Financial Voyeurism." In it, he asks, "Does anyone believe that requiring these kinds of reports—required financial reports for legislative,

executive, and judicial branch personnel—guarantees us better government?" His own answer is that he is unconvinced.

So am I. I believe it is time to revise, and sharply curtail financial disclosure requirements. It may be helpful to disclose certain assets, but not in the fine detail now demanded. Income derived as a result of congressional service—honoraria, royalties, and so forth—should be reported, but most other income should not. Holdings of spouses should be exempt from reporting, too. That requirement is a holdover from another era. I respectfully suggest that the Speaker appoint an ad hoc, staffless task force to make recommendations for substantial amendment of our financial disclosure laws.●

ST. PAUL'S WINS CHAMPIONSHIP

HON. JOSEPH M. McDADE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. McDADE. Mr. Speaker, it is with great pleasure that I recognize at this time the St. Paul's Eighth Grade Basketball Team of Scranton, Pa. as the winners of the Pennsylvania Parochial School Eighth Grade Championship held in Johnstown, Pa. Their accomplishments are a source of pride for all Scrantonians. The "Crusaders" of St. Paul's finished the season with a perfect 44 to 0 record which included five major tournaments.

St. Paul's is coached by Joseph Gaughan who is assisted by Michael Holmes. The team members are as follows: Harold Anderson, Patrick Boland, Joseph Donahue, David Keating, Robert Magurie, Michael Marion, James Marsico, Robert Mascaro, Patrick Murphy, Frank Paoli, Craig Rose, Jeffrey Ryan, Robert Woronko, and David Zikoski.

As a graduate of St. Paul's I take special pride in the achievements of these young men. Their hard work and spirit are a lesson for us all.●

THE INTERNATIONAL MONETARY FUND, CONTINUED

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. WORTLEY. Mr. Speaker, as I mentioned yesterday, there are many misconceptions about the International Monetary Fund, such as what it does, its influence on the American economy and why continued participation by the United States is important. Accordingly, I would like to take this opportunity to list a few commonly asked questions along with answers about the IMF.

WHAT IS THE IMF?

The International Monetary Fund is an intergovernmental organization based on a treaty drafted at Bretton Woods in 1944. Today, it has 146 member countries; accounting for 90 percent of world trade. The Fund maintains a large pool of currencies to help countries finance temporary balance-of-payments deficits without resorting to trade and payments restrictions that might otherwise be necessary. The Fund also has a regulatory and advisory role, and can impose conditions on countries to restore their balance of payments. These conditions support their creditworthiness and make credit available from private sources. Basically, the IMF is responsible for the health of the international payments system.

WHAT CAUSED THE INTERNATIONAL DEBT CRISIS?

The problem is rooted in global recession, which has been deeper and longer then anyone anticipated, coupled with very high interest rates and consequences of the second "oil shock." Prices for commodities such as metals, sugar, coffee, and other products of the lesser developed countries have dropped an average of 28 percent from 1980 to 1982.

Borrowing countries went into debt in order to expand their industrial base rapidly to meet the needs of their growing populations and increase national income and economic welfare. The loans generally went for productive purposes intended to improve the standard of living.

Both lenders and borrowers assumed that inflation would continue, and that loans today could be repaid in cheaper dollars tomorrow—an assumption that proved wrong. Many of the borrowing countries are large, wealthy nations that have great resources but are temporarily unable to meet their obligations because they cannot export enough today to generate the foreign exchange. In other words, they have a liquidity problem, not a solvency problem.

IF AN IMF PROGRAM REQUIRES A COUNTRY TO CUT IMPORTS, HOW DOES THAT HELP AMERICAN EXPORTS AND JOBS?

The IMF is committed to fostering expanded international trade. When a country needs an IMF adjustment program, it is because it is unable to generate enough foreign exchange to pay its international bills. The IMF programs are designed to bring the country's balance of payments back into equilibrium, in order to create an opportunity for renewed growth. Without an IMF program, the country might have to undergo a much more serious adjustment as it struggles to regain its ability to trade without the IMF or private sector credit to bridge the problem.

WOULD NOT CONGRESS HAVE TO SPEND EVEN MORE MONEY ON THE IMF NEXT YEAR?

No one can make firm promises that no further increases in the quotas contributed by all of the members of the Fund will not be required to avert an international financial crisis. A general worldwide recovery, even if slow, and no further upsets in the global oil market will guard against more calls on the IMF than it can handle with the additional resources provided to it under this year's legislation. It is certainly not anticipated that additional resources will be required in the near future.●

UTILITY RATEPAYERS SUFFER WHEN EMERGENCY PLANNING IS DECLINED OR IGNORED

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. COUGHLIN. Mr. Speaker, adding to the woes of cost-buffeted consumers of electric power is a situation which has developed in the nuclear generation industry.

States and municipalities are discovering that they can thwart new operating licenses and halt or delay existing nuclear plants through the simple expedient of refusing to enact emergency preparedness plans. They also can achieve the same results by refusing to implement plans developed by utilities where local authorities have refused to prepare their own emergency proposals.

Regardless of the merits of individual cases involving States and municipalities, this situation is exacerbating the cost problems of utilities operating or building nuclear generating plants.

Construction cost overruns already are common, because of overly optimistic projections either as to plant construction expense or the need for more nuclear power. Some plants are plagued by inexperienced contractors which have meant delays and higher costs. Others have faced delays caused by court suits, thus pushing up ultimate construction costs. Safety considerations in some instances have also contributed to higher costs.

Any or all of these factors—alone or in combination—have helped escalate utility rates to a level far too high. The burden is onerous on millions of struggling families, elderly citizens, and the unemployed. That it is unfair to them is an understatement.

This new tactic of refusing to develop or implement emergency preparedness plans further aggravates difficult situations. Where plants are shutdown and power must be purchased elsewhere, the result is even higher rates to consumers. The cost of shutting down and restarting is high, and

ratepayers are penalized even more with higher prices.

Statutes and regulations of the Nuclear Regulatory Commission and the Federal Emergency Management Agency govern plant safety and emergency preparedness plans. The Congress must act through new legislation or specific directives to resolve any impasse.

I believe that such clarification and direction are needed. This is neither a pronuclear nor an antinuclear position. It is the recognition that a loophole or a quirk, if you will, exists in the law. For good or bad, when the law is used through this means to delay or stop nuclear plant generation, it invariably results in higher costs to beleaguered ratepayers.●

A 12-YEAR-OLD WRITES TO THE PRESIDENT

HON. GERRY SIKORSKI

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. SIKORSKI. Mr. Speaker, like other Members of this body, I receive an incredible volume of mail, all of which is of interest and concern to me. But occasionally, one letter is so exceptional that it merits special attention. I have received just such a letter. Amy Henson, a 12-year-old constituent of mine, has written a moving letter on the subject of nuclear war. At her request, I am making an effort to have her letter read by the President, and I also wish to share it with my colleagues in the House. I am proud to represent her. The letter follows:

DEAR MR. REAGAN: I'm not going to lie about my age. I'm only 12, but I have something important to say. You know, kids aren't always silly, and have stupid ideas.

All I want to say is simply this, you, and others like you, have the power to save the world!

Don't you realize the terribleness of nuclear arms. Even my six year old sister knows, and worries about it.

If we already have enough nuclear arms to blow up Russia, or anywhere else you want to, why do we need more?

It's like two men going into a shootout. One man brings one gun, and the other brings two. The fight goes on, and both die before the other even got a chance to use the other gun. So why did he need it? To kill the other man twice? I thought that once you're dead, you're dead.

Gee, it all sounds silly, right? What does some stupid kid know? Well this kid knows that you, and the Soviet leaders, are doing just as the second man did.

Power. Power over people. Money. All a man's dreams, am I right? But, must we kill? I'm not saying we should just give in to Russia and dispose of all our defense weapons. The reason we fought the British is to be free, why lose our freedom now? But must we kill? Why can't we decrease the number we have, and Russia too, if we already have enough?

The money spent towards nuclear arms could be spent on so many better things than that kind of defense. Such as:

1. The school lunches are so high, some kids can't afford to eat lunch.

2. Just last year my brother died and my grandfather has cancer. More money could go towards medical research.

3. Every month people from our church, including me, help feed people who live out in Minnesota's cold weather, and freezing cold streets, all jobless, homeless, and most familiness.

I could sit here, and talk on, and on. But, it's all the same, depressing.

I'm not saying you're a bad President. It's easy for someone to say they can do better. All I'm saying is there is one thing you need to learn; and call the law school, or whatever else you need to become President, can't teach you. It's called Peace.

Peace can only come from a peaceful heart. Try looking peace up in a dictionary. I'll save you the effort. It will read:

Peace, n. tranquility; freedom from war.

How can you, or the Soviet leaders, think you can have peace, when you have to hurt people by spending their money on nuclear arms, or using them to kill so many people?

Do you think the Soviet people are any different from us? Well, if you do you're wrong. They're not making nuclear arms. Their government is, just like here.

And, just what if the missiles ended up in the wrong hands? Now, don't tell me I've been watching too much "Superfriends," and that it couldn't happen. I don't care how much security you have guarding where ever you keep the missiles, but it still could happen.

That's all I have to say.

Peace be with you,

AMY HENSON.●

A STRONG EPA

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. LEWIS of Florida. Mr. Speaker, I want to go on record in support of a strong EPA. It is important to restore public confidence in this Agency.

I am pleased with the President's selection of Mr. Ruckelshaus as the new EPA Administrator. I believe he will bring the necessary strong leadership to this Agency, which is charged with the enormous responsibility of protecting the Nation's environment and the health of American citizens.

According to the Administrator's recent letter to my colleague from Massachusetts, the chairman of the HUD-Independent Agencies Appropriations Subcommittee, Mr. Ruckelshaus indicated he would like time to review and evaluate the Agency's budget for fiscal year 1984. If he believes that an additional request for funds is necessary to meet the Agency's obligations, I would support such a request—particularly in the area of research and development since these programs have been reduced a total of 43 percent since 1981.

It is my hope, Mr. Speaker, that Congress will provide Mr. Ruckelshaus the necessary funding he needs to get the job done.●

DEFENSE SPENDING AND SOCIAL PROGRAMS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mrs. COLLINS. Mr. Speaker, I recently introduced Patricia Horne, public affairs associate for the Midwest Women's Center. She spoke of the plight which has beset our Nation's women. Money has been funneled into the buildup of our military program, at the direct expense of social programs. This drain of funds must come to an end.

I have gone on record as supporting programs which reduce defense within reason and will continue to do so in the form of the DELLUM's fiscal year 1984 defense appropriations alternative. It is not to say that we should abolish our defense budget and its appropriations—far from it. However, we must be as prudent and as conscious with our military allowances as we have been with other programs.

Today, I would like to present the statement made by Douglas Dobmeyer, director of Residents for Emergency Shelter (REST) who also spoke at the April 23, 1983 public hearing sponsored by the Chicago Peace Council. The purpose of this gathering was to outline a plan to meet the most pressing needs facing Chicago by redirecting Federal funds back toward social programs and away from wasteful military spending.

Listen to the words of Mr. Dobmeyer. Instead of preparing for war, Mr. Speaker, we should be preparing for peace.

The statement follows:

TESTIMONY TO FORUM SPONSORED BY THE CHICAGO PEACE COUNCIL AT KENT COLLEGE OF LAW, APRIL 24, 1983

My name is Douglas Dobmeyer, Director of Residents for Emergency Shelter (REST). REST is a private inter-faith operator of a shelter in the Uptown/Edgewater communities of Chicago. REST has been in operation four years as an emergency winter time shelter.

As the Congress struggles with the current budget debate over the level of defense spending, an increasing number of Americans are homeless. There are reliable estimates of 2,000,000 homeless people nation wide. In Chicago there are an estimated 12,000-25,000 homeless people.

During the just completed program year (November 15, 1982-April 15, 1983) REST provided 13,691 bed nights in Uptown. Our cost of housing a person per night was approximately $1.15. The City of Chicago operated a higher cost shelter at the estimated per bed night cost of $10.00.

These figures illustrate what can be done with two approaches by private and public dollars. While these two examples address part of the problem in Chicago, there is much to be done locally and nation wide.

This brings us to the very serious question of priorities of the use of federal revenues. An increased amount is demanded by the President to bolster our war capabilities. This will be done at the expense of social programs.

We can easily see the effect of this policy over the last two years. There are greater numbers of people homeless, hungry, and without adequate medical attention.

The President has chosen to say it is wiser to buy a missile, tank, or even bullets than house our two million homeless. There is no rationale for this action. The only outcomes of continued increases of the defense budget at the expense of social programs will be:

(1) An increase in the numbers of homeless,

(2) continued deterioration of the family units of the homeless,

(3) an increase in the prospects of war—since the U.S. has tended to use it's capacity of technology in prior wars.●

ITALIAN NATIONAL DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. RODINO. Mr. Speaker, today marks the 37th anniversary of the founding of the Italian Republic. As an American proud of my Italian heritage, I take special pleasure in saluting this great nation, which has become a shining example of democracy in modern Europe.

After World War II, Italy emerged as a democratic government even as totalitarianism was sweeping the rest of the continent. The Italian people, when they voted to establish a republic on June 2, 1946, vowed to rebuild their wartorn country into a democracy, which would maintain the principles of freedom and individual liberties. Italy has remained true to these original ideals even in the face of continuing threats of domestic terrorism, social unrest, and a struggling economy.

The progress of the Italian Government as a democracy is entirely consistent with the country's 3,000-year history—a history which is characterized by the concern for human values and the constant search for knowledge. Certainly the contributions of the Italian people—in the arts, the law, the sciences, and the world political structure—cannot be disputed, and there is no way to list them all. However, the names DaVinci, Michelangelo, Verdi, Botticelli, and Puccini in the arts, and Galileo, Marconi, and Fermi in the sciences are indicative of Italy's dedication to enriching the world. From the foundations of law which were planted in ancient Rome, to the cultural developments of the Renaissance, to the important role of modern Italy in the world political system, the Italians have given us some everlasting gifts.

It is particularly important that we recognize the outstanding work of Italy's Prime Minister Amintore Fanfani, who was recently a guest in our country. In addition, Italy is most ably represented here by Rinaldo Petrignani, the Ambassador from Italy to the United States. They have worked to solidify Italy's relationship with America as a steadfast ally, as well as a major force in the NATO alliance.

Mr. Speaker, I am proud to call myself an Italian American, and I know that my colleagues will join me in offering best wishes to this great country.●

NATIONAL SAFE BOATING WEEK

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. NELSON of Florida. Mr. Speaker, when the private sector does something that is truly impressive, it is worth our respect and recognition.

This is the case of the National Safety Council and Sea World joining with the U.S. Coast Guard not only to promote greater national awareness of "National Safe Boating Week," which was proclaimed by the President as the week of June 5 to 11, but to promote water safety throughout the summer months.

By augmenting the fine work that the U.S. Coast Guard does to educate Americans on boating safety, the National Safety Council and Sea World have shown how the private sector is shouldering more of the responsibility for the safety of our citizens.

The major thrust of the water safety campaign has been to educate young children to adhere to safety practices whenever they are near water. This public service effort has enlisted Shamu, a major feature of the three Sea World parks at San Diego, Cleveland, and Orlando. The National Safety Council has named Shamu as the "spokeswhale for water safety." It is an excellent method, using a nationally known figure, to get safety messages across to youngsters who respond so favorably to such colorful stimulus.

The campaign includes a boating safety public service announcement for television stations, one for radio stations, and two large posters; one for safe boating practices and the other for safe swimming pool practices. News releases and photographs have been sent to the print media.

The U.S. Coast Guard does a remarkable job in protecting boaters against water mishaps, and its sponsorship of the "National Safe Boating Week" is a solid indication of how it takes its responsibility seriously. That it has been joined in this responsibility by the National Safety Council and the Sea World is another solid indication of how the private sector can demonstrate its support of a government activity and help carry it to further achievement.●

PLUTONIUM FREEZE RESOLUTION

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. UDALL. Mr. Speaker, Mr. OTTINGER and I, along with 60 colleagues, have joined together to sponsor a joint resolution calling for negotiations to halt production to separated plutonium. This resolution is intended to diminish the likelihood that additional nations or terrorists will acquire nuclear weapons.

The plutonium production freeze called for by the resolution would halt plutonium production for both weapons and commercial purposes. I do not underestimate the difficulty of negotiating such a freeze; the verification provisions will entail particularly hard bargaining. But the stakes are high. We should not allow the prospect of protracted negotiations to deter us.

I urge my colleagues who have not yet done so to join with us in making this move toward a time when our security will no longer rest largely on the recognition by those in a position to possess nuclear weapons that to use them will serve no valid purpose.●

TRIBUTE TO JOE McGINLEY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. GEKAS. Mr. Speaker, of times we Americans become so embroiled in our personal problems that we fail to recognize the far more difficult quandaries faced by other people. For that reason, I have great respect for those individuals who sacrifice their personal time and overlook their own concerns to help serve others. The American Institute for Public Service certainly appreciates this dedication as well, and presents annual Jefferson Awards in recognition of outstanding public service. In addition, 15 people who have done a particularly outstanding job in public service are selected as finalists and are eligible to win a National Medal from the Institute. The 17th Congressional District of Pennsylvania is indeed fortunate to

count as a resident Joe McGinley, who is 1 of the 15 finalists.

Mr. McGinley lives in Harrisburg, Pa., and has won a Jefferson Award for his outstanding public service benefiting his local community. He won the award for sponsoring 11 Polish refugees in the United States. There is no doubt that these refugees saw the American spirit at its best as Mr. McGinley helped them settle in our country. I am sure the impression he left on these persons in their initial months in the United States will live with them forever. For that reason, he is doing our entire country a service and seems quite deserving of the National Medal.

Moving to a new country is a very traumatic period for any family, especially if they do not speak the new language they will encounter. Families seeking the freedom of our country are to be especially admired, for many times they have been through very trying circumstances to leave their original country. These brave men, women, and children are greatly appreciative of any helping hand to welcome them in their new homeland. Joe McGinley was there to help 11 Polish refugees as a sponsor and a friend. This act of public service did involve some time and effort on Mr. McGinley's part, but the returns were immeasurable.

Mr. Speaker, it is my hope that more Americans will follow the example of the unselfish Joe McGinley, and devote some part of their weekly schedule to public service. If this were to happen more often, the quality of life in our fine country would only improve further. Allow me to express my gratitude to Joe McGinley for a job well done. He has made everyone in the 17th Congressional District quite proud.●

ADDRESS OF THE HONORABLE CASPAR WEINBERGER TO THE 1983 GRADUATING CLASS AT WEST POINT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. GILMAN. Mr. Speaker, on May 25, I was privileged to witness a further progression of "the long gray line," the graduation ceremonies for the cadets at the U.S. Military Academy, West Point. As a new generation dedicated to upholding our finest traditions of duty, honor, and country, these newly commissioned men and women were proud and honored to have as their keynote speaker our Secretary of Defense, the Honorable Caspar Weinberger.

Secretary Weinberger spoke of the many solemn responsibilities these graduates, "as guardians of our Nation's freedom," have assumed, as well as those that lie ahead. I am pleased to insert the Secretary's remarks in the CONGRESSIONAL RECORD for the edification of my colleagues, since they are timely remarks that we can all appreciate.

The remarks follow:

REMARKS PREPARED FOR DELIVERY BY THE HONORABLE CASPAR W. WEINBERGER, SECRETARY OF DEFENSE, AT U.S. MILITARY ACADEMY, WEST POINT, N.Y.

Much has been said here throughout your years about the great responsibilities the graduates of West Point have as the guardians of our Nation's freedom. Indeed, in a few moments, those of you graduating today will take a solemn oath to defend the Constitution of the United States against all enemies. As you accept those responsibilities all of us here today, indeed all Americans, will be placing in you our highest trust.

But there is a second reason why we have placed in you our highest trust, a reason that people sometimes forget to mention—because you are also the guardians of our Nation's values, the keepers of the flame.

In some ways this second responsibility outweighs the first, because, without values, our freedom can be meaningless; and our lives a mere exercise in self-indulgence. Indeed, the reason we so cherish our freedom is because we believe our values are worth protecting as much as, and sometimes even more than, our very lives.

To protect our Nation's freedom will require of you great commitment and great discipline. It will mean hardship and peril; and it may someday mean that you must make the ultimate sacrifice.

But to protect our Nation's values, far different things will be required of you. It will mean that every decision you make must be based on principle rather than expediency; it can mean that you stand steadfast while others around you choose an easier, more popular course of accommodation; and it may someday mean that you must stand alone, supported only by your conscience, before the ridicule or derision of many of your fellow countrymen.

In some ways this second responsibility—your duty to your conscience to protect our values—will be even more difficult for you to carry out than the first responsibility to protect our freedom. For if you succeed in your first responsibility your victories will be marked by parades and applause, and your country will reward you with honors. But if you succeed in carrying out your second responsibility your victories will be quiet ones, marked only by the inner knowledge that you were right, and that you stood fast.

Perhaps these words sound strange to you, and the images they conjure up, foreign. But this is as it should be. For the past four years you have lived amidst a community whose code is duty—and honor—and country. You have been nurtured and taught by men and women who try to live their own lives by the principles they teach to you. Whatever temptations you may have had over these four years to let your standards slip, or your values tarnish—even just a little—many of you have overcome. Every time you lowered your head in doubt, you could raise it up again to see a young instructor or a fellow student whose example fortified your own resolve. But today you are leaving this community and entering a world which is not so guided, nor so permanent.

As you move from one assignment to the next, travel to different outposts of the earth, and pass from one phase of your life into another you will see all around you transformation, evolution, metamorphosis. Your generation, more than any which has come before, will experience as Spenser called it "the ever whirling wheels of change"—where the norms of everyday life last but a moment before they are replaced by a newer set of norms.

You will be told by many you encounter that a world of instant communications no longer requires mental discipline; that a world of modern conveniences no longer requires physical discipline—except perhaps on the tennis courts; that moral discipline no longer fits into a world where things are constantly changing and all values are relative. They will tell you that patriotism is a phrase wheeled out by tired politicians, that the only duty you owe your country is to pay your taxes on time, that the only person you have to serve is yourself.

These exhortations will come in different ways, cloaked in subtle words. They will have one thing in common—they will all ask that you forsake the values you have been taught here. And they will at times be very tempting, for they will promise you instant gratification, an easy time of it, and respite from always having to do what you know is right.

When these times come, as no doubt they will, I ask that you reflect on two days you spent here at the Academy. Remember 2 July 1979, when you walked through these gates to choose a school and a profession which were not then popular. On that day you made a decision based on your inner conviction and came here without the support and encouragement of many of your peers. And for four long years you stuck by that decision.

Remember also this day, when you walk out of these gates, and know that times have changed, that America's mood has changed. You now have the respect and even the envy of all Americans, young and old alike. As President Reagan is fond of saying, "it is once again an honor to wear the uniform."

In thinking about those two days you will come to realize that America is a nation of change; that the attitudes that seem fixed today can easily shift tomorrow. But if they do, you will be ready. You will be our island of calm and certainty in a sea of change.

And I devoutly hope that as you go on your journey you will always have the gratitude of all of us—because you may have to give up some of your freedom, so that we may have all of ours.

Most of you have what it takes to weather those times. You had the courage to choose the Academy in spite of the times in which you found yourselves, because you were drawn to the values and discipline and traditions which it represents. And the Academy chose you because it saw in each of you the fiber and mettle it takes to be the guardians of our Nation's freedom, and the guardians of our Nation's values.

If America does occasionally lose sight of its values, remember that those values still remain within every citizen's heart—even if they sometimes lie dormant. You know this because each year you were here you saw hundreds of thousands of Americans make a pilgrimage to West Point.

They come here to be reassured, to wander among the monuments to America's

heroes, to visit the graves of those who made the supreme sacrifice for their country on battlefields throughout the world, to gaze on the quiet strength of the stone buildings built into the hills of your "rockbound highland home." Americans come here because West Point offers the comforting strength and feeling of security that we so desperately need.

But most of all, Americans visit West Point to be reassured that America's traditional values are still alive. They do not seek, nor find, those values inscribed on lifeless parchment or stone monuments. Nor do they seek just the emotional experience of West Point—the exhilaration of the parade, the serenity of the landscape, or the haunting memories echoing from the hills and monuments as retreat is sounded at sunset. No, they look for a living testament to America's values—and that testament, young men and women of the Corps of Cadets, is you. It is you we look to to "raise a standard to which the wise and honest can repair."

It will not be easy for you to live up to their hopes or to carry out your two awesome responsibilities in our everchanging world. To do so you will need wisdom commonly believed to be beyond your years—but which I am convinced you have already acquired. You will need an understanding that takes many people a lifetime to achieve. But I believe that is why the Academy chose you, and you the Academy. At a difficult time in our Nation's history—you have rejected these passing trends and instead sought a career whose very being is honor—and duty—and country.

In so doing you have come to an Academy known all over the world. But the greatest thing about West Point is not its faculty, renowned and celebrated as it is; nor its long and impressive tradition of training the soldier-citizen; nor its breathtaking physical beauty—no—the greatest thing about West Point is you—the young men and women who breathe life into everything around you, especially the values which you guard for all of us.

You have the talents, and values and perseverance that it takes to be the real heroes of your generation. As I look out at all of your young faces, I am reminded of the writings of the ancient Greeks and Romans who reserved their greatest praise for the men and women who embodied not just the vigor of their countrymen but also their values. To them the greatest hero of all was the one who was brave in battle as well as virtuous in life—the soldier who fulfilled the two great responsibilities of his profession. And as it was with the citizens of Athens it is so too of the citizens of America.

As I look out at you I am also reminded of what a Greek historian, Thucydides, once said: That "the bravest are surely those who have the clearest vision of what is before them, glory and danger alike, and yet notwithstanding go out to meet it."

You have that vision. Now go in peace to meet what is before you. Godspeed.●

LIC. MIGUEL ALEMAN VALDES

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. DE LA GARZA. Mr. Speaker, it is with great sadness that I inform you and my colleagues of the House of Representatives of the death of former President of Mexico Miguel Aleman Valdes.

This great Mexican statesman was born in the city of Soyula, state of Vera Cruz, in 1905. From his humble beginnings, he became a leading businessman and elder statesman—not only of Mexico—for he was a recognized world leader.

Lic. Aleman studied in the National Preparatory Academy in Orizaba. In 1928, he obtained his law degree from the Law School of the National University. In his early years as an attorney, he represented with great passion and dedication in their earlier years the workers of the mining, railway, and petroleum unions.

Lic. Aleman was, for a time, a consultant to the Ministry of Agriculture and later was a magistrate to the Superior Court of Justice for the district and federal territories. He became our colleague and entered the legislative field as a federal senator for a 6-year period. From 1936 to 1940, he served as Constitutional Governor of the State of his native Vera Cruz. Lic. Aleman was selected to manage the Presidential campaign of Gen. Manuel Avila Camacho and led it to a successful conclusion with the election of Gen. Avila Camacho, who then named him to serve his administration as Secretario de Gobernacion.

I might explain to my colleagues that we have no comparable office in our country. It would be akin to the Executive Offices of the President in an administrative function. From this office, Lic. Aleman went on to serve as President of the Republic of Mexico from 1946 to 1952.

During his 6-year term as President, Lic. Aleman continued with great vigor and dedication the concepts of the Mexican revolution, working for all segments of the population. It might be noted that he was a friend of President Lyndon B. Johnson and, like President Johnson was to do almost 20 years later, President Aleman gave precedence to education, housing, and jobs for all. Suffrage was a major interest and during his tenure, women were brought into the political life of Mexico.

After the Presidency, Lic. Aleman dedicated himself to private business of diversified nature. In 1961, he was named president of the National Council of Tourism. He took this job with the enthusiasm of a much younger man, and spent almost full time at this endeavor. During this time, he had the title of Special Ambassador for his international activities.

Among the many honors President Aleman received was membership of the Mexican, Spanish, Colombian and Nicaraguan Academies of Language. He had honorary doctorates from the National University of Mexico, New Mexico State University and from McGeorge School of Law in Sacramento, Calif. He was a member of the Academy of Arts and Sciences of the Republic of Uruguay and President of the Mexican Institute of Culture and of the patronage of the Museum of San Carlos.

Lic. Miguel Aleman Valdes was a friend of the United States and of our people.

Mr. Speaker, I had the great honor and privilege to meet and visit with this remarkable man on different occasions. He admired and respected our system of government, and the great capacity to survive and overcome crises under our democratic institution. To achieve this great capacity was President Aleman's ambition for his beloved Mexico. I would humbly suggest that his contribution toward this aim was monumental.

Mr. Speaker, I would respectfully hope that you and my colleagues join me in extending our sincere sympathy and sense of loss to the Government and people of Mexico, and that we extend a personal word of condolence to the family of Lic. Miguel Aleman Valdes, our friend.●

NATIVE AMERICANS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. DELLUMS. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues some major concerns regarding those Native Americans that have been or will be affected by the Navaho-Hopi Settlement Act and the authorization of appropriations for the Navaho and Hopi Indian Relocation Commission which has just been considered by the House.

The money that has been appropriated to assist these relocatees has not been consistently employed for the optimal benefit of those affected by the relocation. I would like to emphasize the importance of these appropriations in assisting these Native Americans to deal with the significant physical and psychological effects of relocation. Our concern must not only deal with the mechanics of relocation itself but must also confront the problems of financial and emotional stress which affects each individual during and after relocation.

Education and economic assistance in the form of decent housing and employment opportunities are 2 key areas in which financial assistance is sorely needed. In addition, I call on the Commission to work more closely with the Native American social service and community organizations which deal with these individuals on a

daily basis and have insights into the specific problems the relocatees have encountered.

Finally, I cannot stress enough the importance of allowing the tribal members sufficient freedom to have input in the decisions which so directly affect them. This is an absolute necessity in furthering Indian self-determination, a goal which is now national policy under the Indian Self-Determination Act of 1975.●

STATEMENT OF CONGRESSMAN DAUB ON HOUSE RESOLUTION 199

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. DAUB. Mr. Speaker, a great percentage of jobs in the United States are created by small family owned businesses. Taxation, in recent years, has posed a great hindrance to the profits and very viability of many such businesses. Particularly threatened were the thousands of small farms across the country.

In 1981 we took a great step forward in realizing the detrimental impact that our estate and gift tax policy imposed on family owned small businesses. The original goal of estate taxation was to prevent great accumulations of wealth, rather than to provide a significant source of tax revenue. This policy was all well and good in 1942 when estate taxes were applied to only about 1 estate in 60. By 1976, however, this ratio was closer to 1 out of 10 family owned businesses being taxed upon the death of the head of the household. The farm or estate valued at $60,000 in 1942 equaled closer to $250,000 by 1981, due to inflation.

By 1981 we had seen estate and gift tax policy evolve into a policy of discouraging the retention of some of the finest farmland in the Nation by forcing sales to larger farms and corporations for development—forcing the small family farm out of existence—exacerbated by bracket creep. An estimated 3 million acres of farmland were being converted to nonagricultural uses annually by 1981. The Economic Recovery Tax Act of 1981 changed much of this. By enacting this legislation, we sought to bring relief to small, family owned businesses from the heavy estate tax burdens which made it near impossible for families to pass on their small businesses from one generation to the next.

A major provision of this legislation increased the unified transfer tax credit from its previous level of $47,000 to $175,625. The key to this reform, however, is that it was escalated into effect over 6 years—not achieving its final goal until 1987. This tax credit equaled a tax exemption of $225,000 last year and a tax exemption of $275,000 this year. However, next year, this exemption will increase to $325,000, and reach its final level of exemption—$600,000—in 1987. This feature applies to both lifetime and willed transfers.

Additionally, the 1981 tax bill provided that individuals could leave their surviving spouse, tax-free, the greater of $250,000 or one-half of the adjusted gross estate.

Another significant provision in the 1981 tax bill provided changes in the special valuation tax on estates, allowing farmland to be valued at its present use, rather than its highest or best use. The definition of "qualified heirs" was expanded, as well, to facilitate the continued family operation of a farm or small business.

Numerous other changes were enacted by the Economic Recovery Tax Act of 1981, however, I mention only those which appear to be threatened by those who would have us forsake these reforms as a means of seeking revenue enhancements. As my colleague in the other body pointed out:

> The budget process is threatening the very progress we made with our estate tax laws. Rather than recognizing there are just some Government programs we can no longer afford, there is growing sentiment to spend even more and reduce the deficit through greater and greater taxes.

Some would have us eliminate these estate tax reforms scheduled to take place in the coming 3 years, in line with suggestions to freeze the outyear phase-in of the individual tax cut enacted in 1981.

In 1981, we promised our small-business owning families that we would assist in making it possible for them to benefit from their years of hard work and struggle, and once again make it possible for them to pass along their farms and businesses to their sons and daughters.

I therefore am pleased to rise today, along with the support of over 60 of my colleagues as original cosponsors of House Resolution 199 which I introduced on May 17, 1983, to reiterate our commitment to the estate tax reforms we enacted on July 29, 1981.

Not only does this resolution stress our commitment to the family farm ethic long valued in this country, but this resolution also reaffirms our commitment to jobs, free enterprise, and the industrious and ingenious nature of American men and women.

As efforts to cap the tax reductions made in 1981 are advanced in this session of Congress, I wish to assure my colleagues that many of us will be actively working to insure that the reforms we achieved are preserved.●

EIA AND THE EVOLVING NATURAL GAS MARKET

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. CORCORAN. Mr. Speaker, the Energy Information Administration (EIA) recently released a study titled "The Natural Gas Market Through 1990." The findings of this study have been long awaited and recently received some attention in the press.

After carefully reviewing this report, however I must conclude that it is not a very useful tool in helping legislators make the important policy decisions that are before the Congress related to natural gas. I am afraid that while the EIA study accurately models the gas market of 1 year to 18 months ago, it does not resemble present reality; the market is changing too quickly.

It is unfortunate that the EIA study has been read by some as representing solid and unquestionable predictions of the future. It is not. Like tea leaves, chicken entrails, or whatever other tools current energy soothsayers are using, the EIA study has not captured the nuances of a dynamic natural gas market. At best, it represents an honest attempt to hit a fast-moving target with some outdated assumptions.

This point was made recently in a commentary in the trade publication Natural Gas Intelligence—May 30, 1983, page 10. For the benefit of my colleagues, I would like to insert the article at this point in the RECORD. The article follows:

> COMMENTARY: THE GAS MARKET AT WORK
>
> The trouble with trying to work up a projection of the current and future natural gas market at a given point in time is that it is moving and changing too fast for any set of statistics to keep pace.
>
> The EIA report on the Administration's decontrol proposal, which was begun in January, assumes that because of the traditional long term nature of the gas market, it will not respond to demand drops and load loss with lower prices. It concedes that there will be excess gas freed up due to higher prices, and that this gas could make its way into a spot market, but maintains that this spot market will trade at a higher than average price.
>
> The authors cannot be faulted for coming to this conclusion based on the past performance of a regulated market, held at an artificially low price, which only had to focus on obtaining supplies—price, no object. Competitive marketing was an ignored and unused skill.
>
> They can be faulted, however, for failing to pay attention to events in the market since May 1, 1982 and the first crude attempts of an industry, wrapped in regulations and contract restrictions, to lower its prices to meet the market. The market out actions, begun in earnest by Transco on that date, have been enlarged and developed by numerous pipelines, expanding from

deep gas, to tight sands, to Section 102 gas, with some ingenuity surfacing in the formulas of later actions.

In the area of takes, the initial actions have also tended to be on the heavyhanded side, with some pipelines seeing force majeure as their only out under the current restrictions. Here, too, however, there have been "creative and innovative" actions to meet the market, such as Transco's industrial sales plan, which Panhandle is currently elaborating on. Both of those could be described as a type of spot market. A number of other pipelines have also sought through the Federal Energy Regulatory Commission to get approval for discount rates to keep industrial load.

True, there are problems with these actions, stemming from the regulations, the contract restrictions, and the industry's traditional ways of doing business. The FERC has turned down some of the discount plans. Producers, seeing their only protection, their contracts, being unilaterally abrogated with nothing in return, have filed suit. (It is worthwhile to note, however, that so far there have been no major suits against Transco, which is attempting to offer a market at a lower price.)

More suits can be expected, as innovation runs smack into government and contract regulation. It is these restrictions that the legislation is being designed to alleviate. And to assume that the gas market, relieved of some of its legalities, will not do what it has already done, is, at the very least, shortsighted.●

THE IMF PROPOSAL—WHERE THE MONEY REALLY GOES

HON. BYRON DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. DORGAN. Mr. Speaker, soon the U.S. House is going to be asked to approve an expenditure of $8.4 billion to the International Monetary Fund, which supporters say will give that fund the ability to help countries such as Argentina, Brazil, and Mexico and others to avoid default on some loans that they have received from major international banks.

The administration, in support of this appropriation, maintains that the $8.4 billion will be used to help the developing countries. But the real fact is that the developing countries are just going to be the middlemen. The $8.4 billion will come from the U.S. taxpayers pockets, go to the developing countries, who in turn will send it to the international bankers for interest they owe on outstanding loans.

If Congress approves these funds, and if we could dye those 8 billion dollar bills purple, I guarantee that the big bankers will be walking around with purple pants pockets within a month after the IMF gets the funds. These same bankers, whose judgment has played a large role in helping to create the present financial crisis, will be the real beneficiaries of the U.S. taxpayers contributions to the IMF.

The administration has conducted a campaign to make any opposition to the IMF funding proposal look irresponsible. We have been told that stability of the entire international financial system depends on this $8.4 billion contribution. Nations will default, banks will collapse, and financial chaos will result if Congress turns down the IMF loans they claim.

Well, I do not believe any person in this Chamber, or in this country, would sit by while the world's financial system collapses. But, I do not think that this Congress ought to be railroaded into thinking that this administration's $8.4 billion IMF proposal is the only thing standing between us and a collapsed international banking system.

The House Banking Committee, under its able chairman, has made some important improvements in the administration proposal. In fact, when the IMF funding proposal comes to the floor of the House, I am considering offering an amendment which would strike the section providing for the $8.4 billion funding, but which would retain the other titles of the bill which I think make sense. These titles include regulation of international lending practices and others.

To some of the administration budgeteers who are charter members of the $200 billion deficit club, $8.4 billion may not seem like a lot of money. But to the American working families who pay the taxes in this country, $8.4 billion to line the pockets of international bankers who have steered us down this perilous financial path does not make any sense.

It is important now to craft a better international rescue bill. One that does not rely on financial bailouts, but instead calls for a financial restructuring of the imprudent loans that were made between the creditors and the debtors in effect, a "debt correction."

During the next few weeks, I am going to be spending some time on the floor of the House talking about the international debt crisis and about the administration's bill. I hope other Members will join me from both sides of the aisle. It has been said often on the floor of this House that you cannot solve problems by throwing money at them, and I think that is especially true with respect to this international debt crisis. I think it is critically important that we look for workable long-term solutions.

I believe there are better solutions to this problem than simply asking American taxpayers to pay for the mistakes of the world's largest bankers—particularly at a time when we have a $200 billion deficit and problems of our own to consider. This problem can be solved and it will be solved the right way if we think before we act.●

BRANDON HALL

HON. ALBERT GORE, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. GORE. Mr. Speaker, I would like to share with my colleagues the following transcript of a Memphis television report on the death of Brandon Hall, the courageous infant who struggled against the odds to live and in the process received two consecutive liver transplants.

Brandon's struggle for life opened our eyes to the unnecessary obstacles many sick children and their families must overcome to receive proper medical attention.

I hope that we can act swiftly to remove these obstacles that make organ procurement difficult, limit transplants to the fortunate patients who can afford them, and that limit the public's awareness of the need for organ donors.

The following report appeared on WREG-TV, Memphis, Tenn. The reporter was Ben Keesee.

BRANDON HALL

(By Ben Keesee)

He was born into a struggle he'd fight all his life. From his birth doctors recognized Brandon Hall's problem. From his birth, Brandon's Mother and her friends in Walnut, Mississippi recognized theirs. They raised money . . . and morale . . . for the life or death surgery they knew he'd have to face. The small town's gospel radio station broadcast the boy's plight—word spread—media coverage increased—donations poured in. But as money soothed financial worries a more desperate twist moved into Brandon's story. The money was there, but a liver wasn't. Brandon's mother went to Washington for help. Billie Hall told Congress she was watching her son die like hundreds of other mothers had done . . . because fear stops people from donating organs . . . because when they do, there's no way to guarantee donor organs will get to the patients who need them.

With dramatic timing her pleas before the subcommittee were interrupted by news a donor had come through. Doctors rushed Brandon back to Memphis to receive life given by a baby girl killed in a Virginia auto accident. The momentum of Brandon's battle then picked up world-wide media attention. He had become a symbol . . . a tiny fighter beating the overwhelming odds hundreds of thousands of transplant patients shouldn't have to face. For a few hours Brandon's mother and much of the world celebrated the first stage of a successful transplant. But from the start doctors cautioned the boy's chances were fifty-fifty at best. He was the second youngest child to ever get the operation best suited to bigger bodies. The complications soon started. Emergency surgery was said to have improved Brandon's chance for survival, but more complications developed. Doctors said Brandon had to have another liver. After a frantic search, one was found and just a week after his first transplant Brandon Hall became the youngest patient to ever have a second. Apparently the stress on his little

body was too much . . . and after smiling through a traumatic fourteen month battle Brandon died . . . but he didn't lose.

A tiny boy who couldn't even speak delivered a message that reached the hearts of millions. His sickness brought a show of strength by his mother that's set a high standard. And Congressmen admitted the recognition that bravery received is speeding up government efforts to set up a national program for patients like Brandon that will make donor organs easier to get . . . transplants easier to afford and the odds easier to beat. Brandon Hall accomplished a lot in fourteen months.●

ELVIN WRIGHT RECEIVES SUPERIOR SERVICE AWARD IN WASHINGTON, D.C.

HON. RICHARD C. SHELBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. SHELBY. Mr. Speaker, I would like to pay tribute and honor to Mr. Elvin V. Wright, from Greensboro, Ala., who recently received the Superior Service Award from the U.S. Department of Agriculture at a ceremony here in the Nation's Capital. Following is an article about Mr. Wright and his award that appeared in the Greensboro Watchman that I would like to share with my colleagues in the House of Representatives.

Elvin V. Wright, District Conservationist in Greensboro was given the Superior Service Award of the U.S. Department of Agriculture at the Departmental Award Ceremony in Washington, D.C., May 18. The award was for leadership in pioneering technical assistance for developing the $25 million catfish industry in Hale County.

He directed the planning, designing, and construction of 578 ponds being used in the catfish industry which has created over 100 new on-the-farm jobs. Fish farmers and prospective fish farmers from across the Southeastern United States seek his consultation.

The Hale County catfish industry is nationally known as a leader in the industry. A new fish farming center has opened in Greensboro to help farmers with fish health and water quality problems. The center is funded by annual appropriations from the Alabama Legislature.

A native of Pine Hill, Wright is a graduate of Auburn University. He began his career with the Soil Conservation Service (SCS) in 1952 and worked his way up through the ranks at various locations across the state. He was named District Conservationist in Hale County in 1962.

His long list of awards include the U.S. Department of Agriculture Certificate of Merit in 1969, recognized as Soil Conservationist of the Year by the Alabama Wildlife Federation, and the Certificate of Distinguished Service by the Alabama Association of Conservation Districts in 1974, the Certificate of Appreciation Award by the USDA, Agricultural Stabilization and Conservation Service in 1979, and in 1981 SCS again recognized him with an Outstanding Performance Rating and cash award.

Wright is an Honorary FFA State Farmer and is a member of numerous other community, civic, and professional organizations.

Elvin and his wife, Sara, were in Washington, May 17 and 18, for a reception and the awards ceremony. Secretary of Agriculture John R. Block was the keynote speaker at the awards ceremony.

State Conservationist, Ernest V. Todd, says "Elvin is deserving of this special recognition for his accomplishments and innovative efforts in his work. We are proud to have one of our employee's awarded such a distinguished service awards."

As one can see, the city of Greensboro has truly been fortunate to have a man such as Elvin Wright as a community and State leader. It takes a man of a certain outstanding caliber to devote so much effort to his profession.

I am honored to be able to share this tribute about Elvin V. Wright with my colleagues in the House of Representatives. All of us need to salute outstanding Americans like Elvin V. Wright who believe in our free, democratic ideals and represent the true meaning of hard work and success.●

CONSTITUTIONAL AMENDMENT FOR GUARANTEED JOBS

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. OWENS. Mr. Speaker, on March 16, I introduced Joint Resolution 202 proposing an amendment to the Constitution which provides that the United States shall guarantee to each person the right to employment opportunity.

Last Sunday, May 29, at their 12th annual convention meeting in Chicago, 1,000 delegates to the Coalition of Black Trade Unionists representing 3 million black workers who are members of trade unions throughout this Nation, voted to endorse this amendment and work for its ratification. The resolution of the Coalition of Black Trade Unionists reads as follows:

RESOLUTION BY THE COALITION OF BLACK TRADE UNIONISTS ON A CONSTITUTIONAL AMENDMENT FOR GUARANTEED JOBS

Whereas: The human and other natural resources of this country have the potential, if appropriately managed and directed, of providing jobs, goods, services and protection to every American in need thereof.

Whereas: Historically, these resources have been perverted frequently and/or managed in such a way so as to have created and institutionalized an inordinate disparity between the "haves" and "have nots" in this "land of plenty".

Whereas: Among the current consequences of this disparity is a reported national unemployment rate of 10.2 percent—i.e. some 20 million potential workers are either unemployed, underemployed or totally disaffected from the search.

Whereas: In human terms, among the results of this manipulation of the many by the few is the fact that one out of every three Black Americans lives in poverty. One out of every three female-headed households lives below the poverty line. Millions of Americans attempt to survive every day without reasonably certain access to food, clothing, shelter or basic health care.

Whereas: In broader terms, among the results is the condition of the nation's infrastructure which would require about a $40 billion a year investment over the next decade merely to achieve the relative levels of efficiency which have been eroded over the last twenty years. (Reagan has suggested a one-time $6 billion investment in the revitalization of our infrastructure as a panacea for the country's unemployment ills.)

The neglect of our education systems has jeopardized our national productive and creative potential and abrogated our competitive edge in geopolitical and world economic systems.

Whereas: Any economic theory, program, policy or framework, most especially those being perpetrated by the Reagan Administration, which further exacerbates the concentration of wealth, will assure the ultimate and, perhaps, permanent decline of the U.S. economy and national fabric.

A national agenda which establishes as sacrosanct the disproportionate investment in non-labor intensive, non-productive and already obsolete weaponry at the expense and to the derelection of human needs and human services programs, education and innovative economic development initiatives is directly inimical to both the domestic and world economies as well as to world peace.

Whereas: No foreign government, ideology or weapons system poses as great or immediate threat to the American "way of life" or to the standing and competitive status of the U.S. among the world community as does the continued degradation and underutilization of such significant numbers of our domestic population.

Whereas: Through a more egalitarian and equitable distribution of income (wholly within a capitalistic context), through a reordering of the national agenda and through the reallocation of this country's resources, it would be within our grasp to assure: that every adult within our bounds would have an opportunity for productive employment; that every child would have an opportunity to achieve his/her optimum potential; that no one be expected to grovel and be grateful for the crumbs of an otherwise prosperous pie.

Whereas: Survival in this country is generally considered to be a "God-given" right. Access to the opportunities necessary to achieve a "quality" life are generally considered to be protected and quaranteed by the constitution.

Whereas: History, law and legal precedent, as well as current and past practices, dictate that the right to have a job is not among those guaranteed by the constitution or among those opportunities considered necessary to the "pursuit of happiness".

Whereas: The dignity inured by productive activity (i.e. work) and adequate and just compensation for that work are intrinsic to our social and economic system; therefore be it

Resolved, That CBTU endorses the passage and adoption by the respective states of an amendment to the U.S. Constitution which would guarantee, as a matter of right, that each person in the United States have employment opportunity; and be it further

Resolved, That CBTU go on record in support of Joint Resolution 202 which has been introduced by Congressman Major Owens (D-NY) to amend the constitution so as to guarantee such job opportunity and empow-

er Congress to protect this right; and be it further

Resolved, That each CBTU Chapter design and implement an education/lobbying strategy in support of J.R. 202.

I believe that this resolution, which reflects the position of working people, should be considered by all of us who wish to see our Nation back on its feet. Our strength has always been in our people working to provide for themselves, their families, and their society. This is a strength which must once more be put to work.●

KETER TORAH DAY AWARDS PROGRAM

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. MRAZEK. Mr. Speaker, I would like to bring to your attention a special event that recently took place on Long Island. I extend my thanks to Dr. Eva Pallay, Mr. James Schlesinger, and the Commission on Education of the New York Metropolitan Region for sponsoring the Keter Torah Day awards program at B'Nai Sholom of Rockville Centre.

During this memorable and touching awards program, the Commission on Education honored those students who have demonstrated outstanding scholarship and citizenship over the past year. Those students who attend afternoon or all day religious schools are the beneficiaries of a unique educational system that embraces moral, intellectual, and spiritual values. The quality education they receive is essential to the survival of an open, democratic society rooted in the Judeo-Christian tradition.

In light of recent reports of a rising tide of mediocrity in education that threatens the foundations of this great Nation, it is particularly fitting that the Commission on Education has chosen to honor those students who have achieved outstanding scholarship and citizenship. Their accomplishments serve as an important example to other Jewish children in the region and, indeed, to all children in the land.

I offer my heartfelt congratulations to the children honored at the Keter Torah Day awards program. And I salute Dr. Pallay, Mr. Schlesinger, and the commission on education for making this important event possible.●

MX DOUBLESPOOK

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. VENTO. Mr. Speaker, after approving a nuclear freeze resolution last month and voting against the MX last year, the House of Representatives joined with the Senate to approve the President's proposal on the $20 billion MX missile system.

What was the cause of the change in the House position?

Was it a breakthrough in the development of a rational basing mode? No. The President's latest basing proposal increases the vulnerability of the MX to Soviet attack.

Is the missile essential to our security? No. Originally intended as an air launch system, the MX is quickly becoming outmoded.

Is the MX cost effective? No. A $20 billion "bargaining chip" is no bargain.

Will the MX guarantee peace? No. The MX will, in all likelihood, add more fuel to the ever increasing arms race.

If the MX does not meet these criteria, why then did Congress approve $625 million to develop and test this questionable system?

In an unparalleled case of political double speak, Congress approved this first strike nuclear weapon system for peace. We gave President Reagan the MX and he gave the American people platitudes about peace and a promise to end the arms race by creating more weapons. If the issue was not so serious and its potential consequences so deadly, this convoluted logic would be funny.

The decision to fund the MX is not a commitment to peace. It is a commitment to more of the same. It will not change the course of our defense policies but will instead focus us on a continued weapons race with the Soviet Union.

Next week, the House will have an opportunity to reverse this course. We will be able to reject the convoluted logic supporting the MX and instead vote for a rational policy to further the prospects of meaningful arms reductions. I urge my colleagues to support the efforts to eliminate funds for the MX in the Department of Defense budget.

At this time, I would like to draw my colleagues' attention to a column in the St. Paul Pioneer Press/Dispatch by Glenn Ickler, which properly focuses on the unique arguments in support of the MX.

[From the St. Paul Pioneer Press/Dispatch, May 30, 1983]

"PEACEKEEPER" A CHILLING THOUGHT ON DAY OF REMEMBRANCE

(By Glenn Ickler)

My calendar says this is Memorial Day 1983 but the things I've been reading in the paper make me wonder if George Orwell's 1984 has arrived one year early.

President Reagan hasn't come right out and said "war is peace," as Big Brother does in Orwell's political fantasy, but some of the president's Newspeak about the MX missile (which he insists upon calling the "Peacekeeper") is close.

Last Tuesday Mr. Reagan told Congress: "A vote for the MX is a vote for what all of us—here and among our friends overseas—want for our country and for posterity—peace, security, significant arms reductions and an end to nuclear horror."

As if to bring us one step closer to 1984, both the House and the Senate bought this presidential doubletalk about reducing the number of weapons by building more of them. Apparently convinced that "more is less" they voted to spend $625 million to develop and test the MX. This is an astonishing turn-around from 1982, when Congress withheld funds for the MX because it recognized Mr. Reagan's dense-pack basing plan for what it was: goofy.

What has the president done since last fall to make the MX a more practical and sensible weapon? He has abandoned dense-pack, embraced an equally indefensible basing plan and—this is the big one—developed a more eloquent line of Orwellian bushwa with which to hornswoggle Congress.

Thus the same Congress that has been debating (and, in the case of the House, passing) a nuclear freeze resolution has been snookered into voting a missile that will accelerate the arms race. They have traded their votes for the promises of a president who has backed away from substantive nuclear weapons limitation talks and appointed as his arms control chief a skeptic who underwent a well-timed spiritual conversion on the subject during his Senate confirmation hearings.

The president believes approval of this powerful new multi-warhead missile will cause Soviet leaders to fall wobbly-kneed to the Kremlin floor and beg to surrender their nuclear arsenal. A simple reading of history will tell Mr. Reagan he is wrong. Never has the Soviet Union backed away from an arms race escalation. The Soviets have always moved upward to the next plateau, seeking to gain an advantage, just as the U.S. is doing now.

If Congress really believes that building a first-strike weapon is the best route to arms reduction, it is more naive than past votes have indicated. Congress has repeatedly rejected the MX on the very logical grounds that it would serve no strategic purpose and could not be safely based.

Now Mr. Reagan has paraded out the time-tattered argument that the MX is needed as a "bargaining chip." I can't count the number of bargaining chips that have become a permanent part of the burgeoning weapons stack since the nuclear arms race began.

The way this argument goes is that the MX is needed to demonstrate our national will so the Soviets feel compelled to negotiate seriously. If the issue is our national will, we would be much smarter putting our defense dollars into useful deterrent weap-

ons—not into a missile that is both a threat to Soviet land-based missiles and a tempting target for a pre-emptive strike.

Now the Great Communicator has the money for his "Peacekeeper" and Congress has his smiling promise to get more serious about arms control negotiations. This does not provide a great deal of comfort today as we pause to remember the dead of past wars—some of which were fought, incidentally, to make the world safe.●

U.S. ASSISTANCE URGENTLY NEEDED BY GOVERNMENT OF EL SALVADOR

HON. LARRY J. HOPKINS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. HOPKINS. Mr. Speaker, I have just returned today from a tremendously worthwhile and educational visit to Central America and the Caribbean where, along with two other members of the Armed Services Committee, I saw first-hand events in El Salvador, Costa Rica, Panama, and our naval base in Cuba. I would like to share my first impressions and thoughts from this trip with my colleagues.

Like so many of my colleagues, I have spent considerable time in recent months studying and discussing the situation in Central America. I must say, however, that even my extensive reading and discussions did not prepare me adequately for my visit. As a result of my visit, my impressions are much clearer and my understanding of the issues at hand are much enhanced.

My overriding impression after 4 days of visits and discussions with high U.S. military and diplomatic officials is that if Communist guerrillas succeed in overthrowing governments struggling to form or maintain democracies in Central America, the United States can expect to be flooded with millions of refugees fleeing the region for political asylum and economic opportunities.

A half million Salvadorans already have come to the United States for sanctuary from the guerrilla terrorism in El Salvador. Everyone I talked to believes that millions more will flee northward to America if El Salvador and other neighboring nations fall to the Communists. And, unlike refugees fleeing in Vietnam to Thailand, million will simply walk north to cross the Mexican border into financially troubled Mexico and eventually, the United States. In my opinion, there is a need for the administration to more vigorously communicate the serious exposure and this potential threat to the United States.

It is therefore, in my opinion, in the U.S. best interest to provide sufficient assistance to struggling democratic governments in Central America so they can successfully put down Communist-inspired insurrections.

The chief military official in El Salvador expressed the opinion that $80 million in U.S. military assistance could equip and train that country's armed forces well enough to defeat the guerrillas. Congress thus far this year has approved $30 million of the $60 million requested by the Reagan administration.

This same senior U.S. military adviser also said, and I quote, "If the Salvadorans can't do it, American soldiers can't do it either."

A small increase in medical doctors and advisers is needed, but no U.S. fighting troops are needed or requested. The Salvadorans are tough, brave fighters with a fierce national pride, but if U.S. assistance continues to be spotty, the country could fall to the Communists. Time is on the side of the guerrillas here.

It is my belief that the aid package for El Salvador is small, compared to what it will cost the American taxpayer to deal with the anticipated exodus of refugees from that country and neighboring countries should the guerrillas prevail.

From my visit to Panama, I would report to my colleagues that United States-Panamanian relations were described as "better than ever" by American diplomats there and are expected to continue to improve as the two countries implement the treaties turning over the Panama Canal Zone to Panama.

I suspect very strongly that Panama privately worries that the situations in Nicaragua and El Salvador pose serious threats to its security as well. Unfortunately, Panama has yet to stand up and clearly define itself on the issue.

While in Panama, I made a special point to meet with military leaders of the U.S. Southern Command to investigate press reports that U.S. reconnaissance flights from Panama over El Salvador may also be involved in combat missions. I am pleased to report to my colleagues that their reports are absolutely untrue. The delegation with which I traveled based this conclusion on interviews it had with crewmen of the C-130 reconnaissance planes at Howard Air Base and senior officers of the Southern Command. This was confirmed by officials in El Salvador.

In Cuba, our delegation toured the U.S. naval base at Guantanamo Bay where we were briefed on the steady infusion of Soviet military hardware received by Cuba. The day we were on the island, 84 Soviet ships were in Cuban ports, many of them unloading weapons that eventually end up in the hands of the Communist guerrillas in Central America.

I was alarmed to find that resupply of weapons to the 6,000 guerrillas in El Salvador is unprecedented. For example, in the past 2 weeks, five Soviet cargo ships offloaded weapons and equipment at the Nicaraguan port of Corinta, much of it bound for El Salvador.

I was also privileged to visit Costa Rica, a stable democracy since 1948. But Costa Rica is particularly vulnerable to Communist-inspired border incursions since it has no standing army. Costa Rica represents the model of democracy we should be striving to help establish throughout Central America.

Mr. Speaker, I would summarize by saying, I went to El Salvador with an open mind, searching for facts and the best options for America. Unlike Pontius Pilate, we cannot wash our hands of this whole affair. Like it or not, the United States is going to pay. We either pay now, or we pay later.

Mr. Speaker, I am pleased to share these rapidly prepared but first-hand and honest impressions with my colleagues as we all struggle with this troubled region of our own hemisphere.●

COL. DICK ELLIS AND HIS ROLE IN FOUNDING THE CENTRAL INTELLIGENCE AGENCY

HON. LARRY MCDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. McDONALD. Mr. Speaker, in the wake of all the revelations in Great Britian of "moles" in the British intelligence services, it is of interest to further note the career of Col. Charles H. "Dick" Ellis, who has also been accused of being an agent for the Germans during World War II. Colonel Ellis was the No. 2 man to William S. Stephenson in British assistance in setting up of our Central Intelligence Agency after World War II. Mr. Stephenson, it will be recalled, coordinated counterespionage efforts with America all during World War II, as well as, many other intelligence matters, such as liaison with "Wild Bill" Donovan of the OSS during World War II. Prior information appeared on this subject in the CONGRESSIONAL RECORD of April 26, 1983, on page E1855. At this point, I am placing additional information in the RECORD which includes a letter-to-the-editor of the London Daily Telegraph of April 22, 1983, relative to Col. "Dick" Ellis, and a further item from the same newspaper of March 29, 1983, relative to a further Soviet "mole" in the British Foreign Office. The two items follow:

[From the Daily Telegraph, Tuesday, Mar. 29, 1983]

FO 'MOLE' NAMED BY RUSSIANS

(By John Miller)

A Russian book just published alleges that a "Sir Edward Pelham Hollis," a senior Foreign Office diplomat, passed secrets to top Soviet agents working in Western Europe in the 1930s and later.

Sir Edward offered to work for Moscow for money, and not because of any commitment or interest in Communism, it said.

The book entitled "Soviet Agents' Stories" also contains a chapter on Kim Philby, Donald Maclean and Guy Burgess, all of whom spied for Russia and defected to the Soviet Union.

The chapter on Sir Edward could either be fact or fiction. It contains several conversations purporting to have taken place between the diplomat and his Soviet controls many years ago, but it gives no dates, and quotes no sources.

UPPER-CLASS MOLE

It was not ruled out that the account had an element of mischief-making in it by having the central character a man with the name Hollis.

Sir Roger Hollis was director-general of the Security Service from 1956 to 1965, and has been the centre of an unsubstantiated allegation of having worked for the Russians.

But, if true, the story presented to Russian readers reveals the existence of another upper-class, well-placed Soviet "mole" who enthusiastically sold secrets to Moscow because he was short of money.

The article named two Soviet agents, Viktor Tikhonov and Pavel Drobrokhotov, who ran Sir Edward for many years and sent money to his bank account in Zurich.

Sir Edward was described as being about 40, a former Army captain and the third son of an Earl. He also had an O.B.E.

BLOOD ON PAPERS

The article gives no specific clues to the date of the spying, but says that an important meeting of the League of Nations in Geneva was attended by Sir Edward as a member of the British delegation staying in the Beau Rivage.

Readers are told that in Paris the agent Drobrokhotov nicked his hand while photographing throughout the night Foreign Office documents passed to him by Sir Edward. A drop of blood fell on to the documents and the Soviet agent could not remove it properly.

He warned Sir Edward who said: "Just give them back to me. It's not important. No one will notice."

UNFORGIVABLE CRIME

SIR: In attempting to defend his old friend Col. Charles "Dick" Ellis concerning the latter's traitorous involvement with the German Secret Service, Mr. H. Montgomery Hyde (April 15) is behaving like the close friends of Blunt, Philby and Maclean who could not bring themselves to believe that they had been deceived over so many years.

The letters from the late Sir Maurice Oldfield, the former head of MI6, to Ellis in the latter's old age belie nothing. At the request of Sir Maurice, who was a friend of mine, I visited him in hospital shortly before his death. Among other matters we talked, briefly, about the Ellis case. He was fully aware that Ellis had confessed to spying for the Germans, claiming shortage of money while serving abroad for MI6.

Sir Maurice, who was a very devout Christian, had forgiven him as, I believe, he had forgiven Philby. For doing this he had been castigated, some time previously, by one of his close colleagues on the grounds that treachery to one's country, especially in the interests of a savage régime with which war was then inevitable, is the one crime to which forgiveness should not extend.

CHAPMAN PINCHER,
Kintbury, Berks.●

A TRIBUTE TO J. OWEN GRUNDY, DOCTOR OF HUMANE LETTERS

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. GUARINI. Mr. Speaker, on Sunday, June 5, 1983, Jersey City State College will honor one of New Jersey's most illustrious citizens, J. Owen Grundy, at commencement exercises to be held at the college campus, 2039 Kennedy Boulevard, Jersey City. Dr. William Maxwell, president of the college, will bestow on Mr. Grundy an honorary degree of doctor of humane letters at this time.

J. Owen Grundy is perhaps New Jersey's greatest historian. For the city of Jersey City he is considered an outstanding archivist. Grundy's family tree is as sturdy as an oak, whose roots are part of President Abraham Lincoln's ancestry.

Born in 1911, J. Owen Grundy grew up in Jersey City, near Lincoln High School, where he still maintains an apartment at 54 Park Street.

A frequent contributor to the Jersey Journal, Grundy was formerly the editor of the Villager and later of the Greenwich Village News. He is the author of "The History of Jersey City," published by the chamber of commerce in connection with the Nation's bicentennial celebration.

Grundy has held numerous honorary positions and has written about 20 monographs on aspects of Hudson County history.

From information developed by Marian Courtney, erudite reporter for the Jersey Journal, it is reported that on the walls of an historic site on Newkirk Street in Jersey City there is a photograph, dated 1895, of an old frame house with a large front porch. It is the former home of Mr. and Mrs. John Grundy, the grandparents of J. Owen Grundy, which formerly graced the site of the once residential area known as Old Bergen. Grundy's father, J. Owen, Sr., grew up in that house. His grandmother is shown on the porch in the photograph.

Grundy comes by his profession naturally as his family is steeped in the history not only of Jersey City but of the entire State.

This section of Jersey City is known as Bergen Square, whose first buildings were probably built of log or stones. The land within the town was laid out in lots by Jacques Cortelyou, the official surveyor of New Netherlands. New Netherlands was founded by Peter Stuyvesant, who, in a letter dated October 6, 1660, called attention to several villages needing preachers and among them, "a newly planted village of about thirty families across the North River."

Grundy likes to recall that both his parents and maternal grandparents owned homes in Jersey City and that their association with the city dates back more than 100 years. Their association with Hudson County dates back 150 years, and with the colony and State more than 290 years.

One of Grundy's ancestors, Hannah Salter, was the great great-grandmother of President Abraham Lincoln. A cousin, Jessie Lincoln Randoph, was President Lincoln's granddaughter.

Grundy's family history was written by John E. Stillwell, a Manhattan physician and art collector, in a five-volume geneology of New Jersey families. "About 40 years ago I began elaborating on Dr. Stillwell's work," Grundy said. "The job kept growing until now it includes nine looseleaf volumes." Grundy titles his own work "Twigs from the Family Tree."

Grundy's mother was the former Julia Salter, whose family founded Salterville, a little village with mud streets and plank sidewalks that is now Bayonne's third ward. They bought the land from a family named Vreeland, laid out the streets and sold building lots.

Grundy's maternal grandfather, Wesley F. Salter, was born in Salterville in 1834. As a little boy he went to the store for his parents with a lantern in his hand in winter when it got dark early. Wesley Salter also used to travel by stagecoach to the waterfront in Jersey City to help his mother, Alice Salter, unload groceries from the ferry. His mother had purchased the groceries for a general store she owned and operated on the northwest corner of Broadway and 51st Street in Bayonne.

When he grew up, Wesley Salter worked as a sailmaker for the Endicott-Hammond Co., in Manhattan, and finally became a part owner in the business. He bought a home at 92 Prescott Street, Jersey City. After World War I, when the sailing ships had departed, he bought a small grocery store on Park Street, Jersey City, a block from his home. The store is there to this day.

The family was descended from Richard Salter, who settled in Upper Freehold Township in the mid-1600's. Salter owned a 1,600-acre estate called the Manor of Buckhorn, which included a gristmill and an ironworks.

The mill still stands in what is known today as Imlaystown. It is designated by a historical marker. The ironworks employed Mordecai Lincoln, the great-grandfather of the Civil War President, who married Salter's daughter, Hannah. Salter was a leader in the colonial uprisings of landowners against the English lords, which have been called a forerunner of the American Revolution.

Salter's son, Richard, Jr., was a prominent lawyer and landowner who became a provincial justice of the New Jersey Supreme Court and a member of the Governor's Council.

Grundy's uncle, Edwin Salter, was speaker of the New Jersey Assembly in 1859. He was a member of the Free Soil Party, which stood for abolition, and the first representative of that party in the legislature. He was the author of "Salter's History of Monmouth and Ocean Counties." Grundy's prize possession is a framed photograph of a famous oil portrait by G. P. Healy of President Lincoln, which hangs in the state dining room of the White House. The photograph was given to him by his cousin, Mrs. Randolph, in 1927. We thank the Jersey Journal and Miss Courtney for this information.

Because of J. Owen Grundy's great contributions, I have recommended to Jersey City State College that a chair in history be established in his honor. Truly his knowledge, his deep commitment to community life, leading the brownstone restoration movement in our community, which many believe has been a forerunner of Hudson County's renaissance movement, must be honored.

J. Owen Grundy is also known for his work with other community leaders for the establishment of Liberty State Park in Jersey City. His close affiliation with the Jersey City Museum has been noteworthy. As a student of history he is a firm believer that "we must celebrate the past to awaken the future." He has been identified as a "walking Smithsonian Institution" bridging well over 300 years of the history of our State and Hudson County, where the Dutch made their first permanent settlement in New Jersey, one of the Thirteen Original Colonies, marking the birth of our Nation.

J. Owen Grundy, a student of history, is an advocate of museums in our Nation because of their special strength and their ability to show the people vividly the scale of things throughout the world which are not available in books. Museums reflect the dramatic changes in the scale of our national life. His great work reflecting the past provides the reassuring facts that we still live within the framework of institutions and political purposes shaped more than two centuries ago in this Nation. His work and teaching illustrates that no generation is an island entirely of itself—that every generation is a piece of the continent of man and a part of the mainland of history. This continuity shows our current generations that if the problems of our times are not entirely peculiar to us here present, so, too, our resources for dealing with them can many times extend back to our beginnings.

J. Owen Grundy's work proves to the world that our Constitution and our American frame of government are persuasive witnesses to history. I agree with J. Owen Grundy that the accumulative resources of our Nation's history, incorporating the wisdom and sacrifices of men and women long dead, are prepared to go to greater heights with the assimilation of America's still unborn.

J. Owen Grundy has made his services available to all, making the famous phrase of his ancestor, President Abraham Lincoln, "of the people, by the people, for the people," an unforgettable reminder of what we collectively must demand from our Government.

J. Owen Grundy, joining other great historians, has been a constant reminder of all of us of our historical resources reassuring us of our institutional foundations and awakening us to the flexibility of our political framework. I earnestly hope that Jersey City State College will establish the J. Owen Grundy chair in its history department in the very near future. This will be a fitting permanent tribute to the honorary degree of doctor of humane letters being awarded on Sunday.

J. Owen Grundy has encapsulated history with his mind—and with his heart he tells the great story of America's development to this generation and generations to follow.

George Santayana said, "Those who cannot remember the past are condemned to repeat it." The flow of events in the past have given our modern world its shape and its problems and sometimes the good things in history have been of very short duration having a decisive influence over what may happen over long periods of time. Our pursued future has no meaning without knowledge of the past. History is never ending. It offers little or no comfort in many instances. It hands out hard lessons. Current events indicate that some men have not learned much from the lessons of history. Ironically, remembering and learning from past mistakes is perhaps the most important of all the lessons that history has to teach.

Jawaharlal Nehru, the Indian leader, said: "You do not change the course of history by turning the faces of portraits to the wall." Both J. Owen Grundy and I firmly believe in that observation, for we know that in many parts of the world a people denied history is often a people deprived of dignity. Grundy has been a navigator steering the ship of history, carrying living memories of the past.

The great Spanish philosopher, Jose Ortega y. Gasset, said, "Our age cannot be completely understood if all the others are not understood. It is the mission of history to make our fellow beings acceptable to us. The song of history can only be sung as a whole."

Indeed, Dr. J. Owen Grundy, citizen, patriotic American, community servant, historian, sings that song.●

SALUTE TO ANTHONY "CHAPPIE" POSILLIPO, A MAN OF COMMITMENT AND SERVICE FOR WESTCHESTER COUNTY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. BIAGGI. Mr. Speaker, the residents of the town of Rye in Westchester County, N.Y., have been exceptionally fortunate and privileged over the long span of 30 years to have enjoyed the great talents and personal attributes of Anthony "Chappie" Posillipo as their dedicated, hard-working municipal supervisor. Chappie Posillipo is now retiring after serving an extraordinary 15 consecutive terms in office. Certainly the length of his stewardship for the people of Rye is great testimony to the respect and trust with which he has been held by Rye Town in particular, and so many other friends everywhere. I want to join the people of Rye, my fellow public officials, and distinguished party leaders in extending our heartiest congratulations to Chappie for a job well done, and our best wishes to him and his family that they enjoy wonderful and healthful retirement years, filled with all the comfort and security for which Chappie long labored to provide in Rye.

Chappie Posillipo has been a loyal and caring friend, and special, colorful public figure for the constituents who, with pride and confidence, kept returning him to office. Among Democrats, and as observed by the leadership of the Westchester County Democratic Committee, Chappie Posillipo honors the Democratic Party by being a Democrat and a leader of the party. He is very affectionately seen as having been a builder, first by actual trade as a master stone mason, and subsequently and ideally as a builder of dreams and accomplishments for the people and community he has been devoted to.

Chappie has spent his life building important buildings, such as churches, schools, and hospitals. He has built character in boys through sports pro-

grams such as the Port Chester Little League. He has, just as meaningfully and significantly, built communities through creative leadership during his 30 years as supervisor of Rye Town.

It is, I believe, specially indicative of the character and virtue of this man, to know of his unselfish spending of time and efforts to help the children of the community. When the Girl Scouts needed help in building a new clubhouse, it was Chappie Posillipo who made the necessary arrangements for the labor to be donated for construction. Likewise as the original organizer and later president of Little League Baseball, Chappie was always in there fighting. He could be seen 4 nights a week at Corpus Christi Memorial Stadium, supervising his young charges, keeping score, passing the hat for the expenses of his teams, chasing foul balls, getting and keeping the field in shape, and attending to a myriad of other important details. He is a genuine hero in the hearts of the over 200 youngsters that enjoy Little League Baseball in Port Chester and Rye every ball season.

Chappie Posillipo has led an extraordinary life, replete with special distinctions and honors. In his early years, he wanted to be a priest but, in keeping with his self-sacrificing nature and the circumstances of the time, he instead became the head of his household of six sisters and one brother. He had naturally followed in his father's footsteps, becoming a master stonemason and apprenticing to his father's craft fraternity, local 48, where today he still serves as financial secretary of the Bricklayers and Allied Craftsmen Union. He was to become a leader of his union and the first of the labor delegates in the worldwide Rotary International. Very significantly, many times Chappie has used his mediating abilities and knowledge of industrial relations to resolve difficult labor problems in Westchester.

Throughout all his years of devotion to the communities he has loved, Chappie Posillipo has merited an exceptional degree of special honors and awards, the lists of which make it almost difficult to appreciate all the individual attention and efforts he has given to so many organizations which span so many fields of endeavor. His concerns have included labor, the rights and protections of postal employees, youth assistance, charitable causes, citizenship, the needs of the disabled, business, sports, fraternal and social issues. As outstanding examples, in 1956 Chappie recieved the B'nai B'rith Outstanding Citizen Award; in 1961, the Boys Town of Naples Achievement Award; 1963, the Don Bosco Youth Assistance Citizens Award; 1968, Man of the Year of the Westchester County Postal Employees, and in 1978, Man of the Year Award of the Port Chester-Town of Rye Chamber of Commerce. Chappie Posillipo was given the honorary degree of doctor of civil law by Mercy College in 1978. In 1981, he became the Paul Harris Fellow, thereby attaining the highest Rotarian Award granted.

Chappie Posillipo has to his credit an astonishing record of directorships and memberships, in addition to chairmanships and services as a trustee. Again he is widely seen among civic, religious, political, labor, and sports groups, and again it is difficult to be selective and yet representative among so many entities. To my knowledge, incredibly, Chappie is presently serving as a member of 19 organizations; is a director of 6, a trustee of 4, and chairman of 2, besides those already mentioned herewith. Such dedication and excellence is rare anywhere. Chappie Posillipo is commissioner of the Rye Town Police Department; chairman of the Rye Town Park Commission; honorary member of the Brooksville Engine and Hose Co.; director of the Day Care Council of Westchester; director of United Cerebral Palsy of Westchester; director of Village Savings Bank; trustee of United Hospital; trustee of Port Chester Public Library; trustee of Corpus Christi Church, and member of United Way, the NAACP, the Italian-American Protective Association, the Elks, the Urban Development Corp., the Supervisors Association of the State of New York, and the Association of Town Supervisors.

Chappie was responsible for building, and installing the lighting system, at Corpus Christi Memorial Stadium. Also to his great credit, Chappie was instrumental in having located in Rye, the worldwide headquarters of the General Foods Corp. This unique addition to Rye, N.Y. is scheduled to be opened this month.

Mr. Speaker, this is indeed an exceptional man of extraordinary talents who has given so much of himself to so many. His 65 years is so filled with achievements that he can only be a very great inspiration of commitment and service to all of us here, and all who have the very great fortune of knowing him personally.

On a purely personal note, I served with Chappie's brother, Red Posillipo, in the New York City Police Department. Red's service in the best traditions of New York's finest was also reflective of deep understanding and compassion, and commitment to duty for the protection and well-being of his fellow man.

To Chappie Posillipo, we extend our warmest and heartiest congratulations on his outstanding record of accomplishments for the people he has served so ably as friend as well as supervisor, and offer our best wishes for retirement years filled with all that he could want for himself, his family, and all those he holds dear.●

THE GOOD NEWS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. EVANS of Illinois. Mr. Speaker, it has been popular recently for commentators to write about the growing expertise of the Japanese and our other industrial competitors. We have heard a great deal about how the United States is losing its competitive edge, and it has been easy for many people to lose sight of American products which remain the standard of excellence by which all others are judged.

I would like to share with our colleagues the following article which appeared in the March 1983 issue of Vanity Fair. It serves as a reminder of several examples of American industrial excellence.

As the article demonstrates, Illinois' 17th Congressional District boasts of two world renowned industrial manufacturers—Deere & Co., and Caterpillar Tractor. Both Deere, headquartered in Moline, Ill., and Caterpillar, which draws a sizable portion of its labor force from the 17th District, have international reputations based on their high quality machinery. Before we extoll foreign products at the expense of American goods, I encourage our colleagues to note the example set by these two enterprises.

Similarly, America's agricultural abundance remains one of its chief strengths. And soybeans are one of America's strongest export products. Bureau County, Ill., ranks as one of the outstanding producers of soybeans in the Nation, and I encourage our colleagues to remember these contributions when we consider agricultural legislation.

FIRST, THE GOOD NEWS

(By Peter Passell)

Radial tires from Akron don't fall apart anymore. They finally figured out how Michelin does it. It's O.K. to buy a Quasar TV assembled in Illinois, but only because the company is run by a Japanese conglomerate. Once so proud of "Made in USA," Americans are now torn between envy for the quality of foreign goods and fear that they will lose their jobs to striving Koreans or Brazilians. Plainly, some things have gone sour. But it is as myopic as it is fashionable to assume that efficiency and excellence are dying virtues on this side of the oceans. Consider a small sample of industries that work very, very well in very American ways.

It doesn't look like much; unprocessed, it doesn't taste like much either. But the soybean is the cheapest single source of protein and fat on earth. And thanks to favorable growing conditions and an efficient marketing system, America dominates world production.

Last year American farmers grew about 140 billion pounds of soybeans, 65 percent of the world's output and more than twice

as much as in 1970. The boom is easy to figure. For the impoverished two-thirds of the world the soybean is a bulwark against malnutrition, supplying protein unavailable from wheat or rice. The rest of us use the fat content for margarine, cooking oil, and industrial products, then feed the protein to animals. A bit more than half of the U.S. crop is sold abroad, making soybeans our single most valuable export. Will soybean exports go the way of cars and steel? Only if the sun stops shining on the Mississippi Valley, or the world loses its taste for tofu or grain-fed beef.

Howard Hughes, Sr., made his fortune by developing a better drill bit for oil and gas wells. His son diversified into airplanes, Las Vegas, and paranoia, but the publicly owned Hughes Tool Company of Houston still makes about four drill bits out of every ten sold worldwide.

Such bits don't resemble the sort you stick in the Black & Decker to mount the kitchen cabinets. Take the J-11 model in the 7⅞-inch size, which costs about $3,700. Commonly used for cutting deep wells through soft rock such as sandstone, it is engineered to operate at 400 degrees Fahrenheit in the presence of corrosive hydrogen sulfide while bearing a load of 35,000 pounds. Hughes manufactures drill bits in eight countries. The core technology, though, some of the fanciest metallurgy around, is still almost purely American.

Japan, say consultants who have made the pilgrimage to Tokyo, has found the Way: workers who identify with the corporation's success, management that plans for the long term. The consultants could have saved plane fare by going to Moline, Illinois, instead. That's the headquarters of John Deere, the largest manufacturer of farm machinery in the world.

Deere uses a little cash and a lot of consideration to maintain good will on the assembly line, because that is where quality control is made or broken. It trades high dealer profit margins for an exceptional commitment to service, because farmers gladly pay for machine reliability. And the company has invested heavily in new technology, because it plans to be here in the twenty-first century. The payoff: one-third of the world market and a hammerlock on the market for machinery used on large family farms.

Consider the attractions of the Titan 8820 combine, which picks twelve rows of corn simultaneously, separates the kernels from the cobs, and turns the rest to mulch. It costs $130,000, so only the successful may plunge, but the productivity gains are simply incredible. One person (plus a Titan 8820) can harvest one million pounds of corn a day, a job that took three adults with good machinery a week to complete in the 1950s.

Caterpillar Tractor is in trouble, but it's nothing a little steam in the world economy wouldn't cure. The Cat—home folks in Peoria prefer the feline image to the insect one—makes earth-moving machines. High-performance, durable earth-movers that sell everywhere, including the Soviet Union when the White House is in the mood.

The D10 tractor is the largest tractor in the Caterpillar line and, at $700,000, the most expensive. A lot of money for a tractor, perhaps, but then the D10 is some macho dirt pusher. Weighing in at 190,000 pounds and equipped with a 700-horsepower diesel engine, it can do half again as much work as its predecessor. And that apparently convinces the people who count: in the six years since it was introduced, the D10 has captured two-thirds of the world market for super heavyweights.

Big mainframe computers built in Germany and Japan can track airline reservations or manage accounts receivable. Where speed is of the essence, though, only the "supercomputers" made by a handful of American firms will do. Fastest of them all: the $10 million Cray X-MP, which is hand-assembled by Cray Research in Minneapolis.

Supercomputers are made from the same tiny components as their plodding cousins. The difference is in the design, where ingenious tricks shorten the time it takes to perform arithmetic operations in sequence. The X-MP, capable of 150 million calculations a second, solves in a few hours problems that would take a few weeks on the largest conventional machines.

Some fifty of Cray's number crunchers have been delivered since 1976, twenty of them to Uncle Sam for nuclear-weapons design and unnamed defense applications. Others map oil reservoirs, forecast weather, simulate stresses on aircraft designs. Hitachi and Fujitsu have supers on the drawing boards. Yet supercomputer design is just the sort of small-term innovation that American engineers do best. For at least the next couple of years the only supercomputers around will be American.

Crystal wine glasses sure are nice; ditto seven channels of stereo. But the main business of airlines is getting you there quickly and safely, and nobody does it cheaper than People Express. The two-year-old carrier, based in plain old Newark, New Jersey, offers plain old service to fifteen cities on the East Coast for about the same cost as Greyhound. And it makes a profit.

In part this is possible because there is no crystal or stereo; there's even an extra charge for Sanka. Mostly, though, it's because People Express breaks all the organizational rules. There are no ticket counters—you pay on the plane—and few baggage handlers because checking bags is discouraged. Employees must buy stock; the average holding is about $20,000. And everybody pitches in. On some days, flight attendants may answer reservation lines, pilots may serve as dispatchers, executives may brew coffee. Even the fuel-efficient 737s work overtime: eleven hours a day versus an industry average of about seven.

To develop a new commercial jetliner costs about $1.5 billion, a sum almost nobody can scratch up these days. There's more to Boeing's preeminence in commercial aviation than a deep pocket, though. The Seattle company engineers planes as well as its European rival, Airbus Industrie. The guts to bet the corporation's future on a single project means it can put new designs in the air first. Efficient management makes them cheaper to build.

Since the 747 went into service in 1970, some 560 copies of the world's largest commercial jet have been built in the world's largest factory building. With the design costs long written off, the plane is now a big money-maker. Boeing intends to keep it that way into the next century by offering updated versions. Seven variants are flying, thus far, including the SR shuttle, for short hops, and the SP, a smaller model that can fly nonstop from New York to Tokyo. This year Boeing delivers the first 747-300; its extended upper deck increases seating by 10 percent.

Wine buffs fuss over the relative virtues of pricey estate bottlings from California and Europe. What nobody in the industry argues about, though, is America's leadership in vin ordinaire. Gallo Chablis Blanc, the best-selling white from the largest vintner in the world, symbolizes the technical and managerial revolution in wine production.

Even at a discount price of three dollars a magnum, it is no cheaper and sometimes no tastier than the competition from the plains of Spain or Italy. The difference is in predictability: Chablis Blanc bought in Miami last September will taste exactly like a bottle from Dallas next summer.

This follows from a heavy investment in research, quality control, and marketing, a strategy now belatedly being imitated in Europe. There may be little romance about it. But Gallo knows everything about growing grapes and making wine; the payoff is virtually guaranteed success in an industry built on peril.

A decade ago it was the dullest of industries, secure in a cocoon of government regulation and old-boy contacts. But deregulation, automation, conglomeration, and inflation have severely tested Wall Street's brokerage houses. None has passed with higher marks than Merrill Lynch.

Sheer size—the financial resources to weather change—partly explains the company's success. But innovation counts too. In 1977, for example, Merrill Lynch introduced the Cash Management Account. The law says the CMA is a brokerage account, but it walks and talks like a snappy form of bank account. Dump your stocks, bonds, and spare cash in a CMA. The cash, accessible by check, earns interest in a Merrill Lynch money-market fund; the securities become automatic collateral for loans through a Visa card.

At last count, Merrill Lynch had opened 900,000 CMAs with assets of over $50 billion. The system does not yet turn a profit. But CMAs have proved a powerful lure for affluent individual accounts, precisely the business Merrill Lynch needs to stay on top.

So: Does bigness lead to success? There may be something in it for Gallo and Merrill Lynch but hardly for People Express. High tech means a lot at Cray and Hughes Tool but very little to the mighty soybean; John Deere is conciliatory toward labor; Caterpillar goes for the jugular. What is it, then, that explains why some American enterprises excel while others slide toward oblivion?

You tell me.●

GLENN A. CRAMER RECEIVES HUMANITARIAN OF THE YEAR AWARD

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. DELLUMS. Mr. Speaker, it is my pleasure to bring to the attention of my colleagues the following statement which describes the fine work of Mr. Glenn A. Cramer, and announces his selection as Humanitarian of the Year by the Easter Seal Society of Alameda County.

The statement follows:

The Easter Seal Society of Alameda County has named Mr. Glenn A. Cramer as the seventh Humanitarian of the Year.

Each year, the Society considers citizens who have either made a significant contribution to helping people in making a difference in the lives of others less fortunate than themselves, or who throughout the years have been involved in supporting Easter Seals.

Besides being an early supporter of the Easter Seals Society of Alameda County, Mr. Cramer is a staunch benefactor of other Easter Seal Societies.

In addition, for many years he has been a major contributor of both his time and resources to Children's Hospital in Oakland, the Boys' Club of both Oakland and Palm Springs, the Sunnyhills Children's Services in San Anselmo, California, and the Hanna Boys Center in Sonoma, California.

Mr. Cramer is an outstanding citizen who has given unstintingly of his time, talent and concern for the advancement of opportunities for the people of our community.●

REAGAN ADMINISTRATION FINALLY TURNS AROUND ON "BUY AMERICA"

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. WALGREN. Mr. Speaker, last week the House approved a provision in H.R. 3069, the supplemental appropriations bill, directing the Federal Highway Administration to implement the "Buy American" provisions of the 1982 gas tax bill in which Congress clearly required all highway projects funded by the gas tax revenues to use American products. This provision, along with pressure from the Congressional Steel Caucus, has apparently finally got the administration "off the dime," resulting in a call and letter to my offices from the Federal Highway Administration announcing their reversal of the administration's refusal to enforce the "Buy American" requirements as Congress directed them to do.

We all should be pleased that the administration has realized the importance of creating jobs in American industries and has recognized that American tax dollars should be spent in America. But it is a sad comment on the intransigence of Reagan appointees that it took so much effort just to get this administration to obey a "Buy American" provision in the law.

Congress direction was clear: Revenues generated by the gas tax bill used for highway repair and construction should be used to buy American products. For some convoluted reason, the administration saw it in the national interest to buy imported rather than American products. By regulation, they tried to exempt all bridge and road contracts totaling less than $450,000. That accounts for about 60 percent of the total number of projects and 10 percent of the total dollar value. Because of the importance of these provisions in generating jobs, the Congress had specifically repealed a $500,000 cutoff of a prior "Buy American" provision when we adopted the gas tax bill. Still the administration tried to reimpose it by administrative fiat. By blocking the administration's actions, we save 20,000 American steel jobs and many more steel-related industries.

I hope we can look forward to more administration initiatives to put Americans back to work.●

INCOME-DEPENDENT STUDENT ASSISTANCE CAN AID STUDENTS WITHOUT INCREASING FEDERAL DEFICITS

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. PETRI. Mr. Speaker, on May 26 I introduced H.R. 3176, the Income-Dependent Education Assistance Act of 1983. Identical legislation, S. 1386, has been introduced in the other body. An outline and the complete text of the bill may be found at page S7655 in the CONGRESSIONAL RECORD of May 26.

This bipartisan legislation would establish a supplemental student loan program that would entail little or no taxpayer subsidies.

IDEA would be an important source of loan capital to students—particularly those in graduate school—in a time of increasing education costs and increasing burdens on students and their families who must meet these costs. Annual repayment amounts under IDEA vary with annual income of borrowers. Borrowers whose higher incomes reflect a higher return on their investment in education would share part of that return with all IDEA borrowers by making higher annual loan payments and possibly paying higher effective interest rates on their loans, thereby funding lower effective rates paid by the lower income borrowers.

There are subsidies in IDEA, but they would be targeted to those who need relief from educational debt burdens: Those with low postschool incomes. These subsidies are related to ability to pay, and their cost is covered by charging a premium above the standard IDEA interest rates on loans held by those with high postschool incomes. Despite the high-income premium, the highest effective interest rate charged on IDEA loans would be less than that on unsecured personal loans in the private market. Thus, those who anticipate high future incomes would not be discouraged from participating.

Higher education represents in part consumption; an education yields personal satisfaction and a higher quality of life for the student. Yet education also represents an investment. Students are investing in human capital, and they expect returns on their investments in the form of higher future incomes. This is particularly true in the case of graduate education, the financing of which is the primary, but not exclusive, focus of IDEA.

Under IDEA, the Government backs such investments in human capital and in exchange receives a participating interest in the returns to that capital. In effect, students borrow against their future income streams. On an individual basis, students cannot finance education this way because they cannot pledge their human capital as collateral and each individual cannot guarantee a particular level of return on his or her investment. But collectively financing education loans on the basis of pooled risk and return on investments can be a sound governmental approach to student aid. The specifics of the IDEA program take that sound approach from theory to practice.

IDEA allows a student to borrow up to $2,500 per year for an undergraduate education or $10,000 per year for graduate education (or the costs of attendance, whichever is less). There is a lifetime limit of $40,000. Borrowing under other title IV student loan programs would count against IDEA annual and lifetime limits. Most undergraduates eligible for GSL loans would probably choose the subsidized rates of GSL rather than the income-dependent rates of IDEA. At the graduate level, IDEA borrowing limits are twice those of GSL, so past and current GSL borrowers as well as those not eligible for GSL loans should find IDEA an attractive source of loan capital.

A student applies for an IDEA loan through his school, and the school sends machine-readable lists of applicants to the Department of Education. For new borrowers, Education would establish computerized accounts by taxpayer identification number. Interest is charged on the outstanding balance of each account annually at the average 91-day T-bill rate for the year plus 2 percent. An annual statement is mailed to the borrower informing him of the status of his obligations.

Upon leaving school and entering repayment, borrowers determine their annual repayment amounts in conjunction with the filing of their individual income tax returns. The procedure would be similar to that used by self-employed individuals who pay social security taxes through the IRS. IDEA loan collection will be just a one line/one form addition to something that IRS already does. Although the IDEA bill uses the IRS for collection of repayments, with less efficiency, this could also be done, using verified form 1040 information, by the Education Department, SLMA, or even the

whole SLMA/State guarantee agency structure.

Various tax preference items are added to adjusted gross income as currently defined in the Tax Code. A simple chart with income on one axis and account balances on the other indicates the amount of repayment due. IDEA payments will have the same status as personal income taxes due, and are payable through estimated tax payments or additional withholding from wages. As is currently the case, borrowers would be subject to no penalties for underpayment of taxes due, including IDEA payments, as long as they have withheld at least as much as their tax liability the previous year or at least 85 percent of the amount owed in the current year. The IRS would have the authority to collect delinquent IDEA payments. This collection mechanism will reduce default rates by making avoidance of payment more difficult. The income-adjusted payments that require smaller annual payments for lower income borrowers will also reduce defaults.

There is a seperate IDEA repayment chart for each class of taxpayer; that is, single, joint return, and so forth. A student borrower would know what his annual repayment obligation will be for any given combination of account balance and future income level. Therefore, creditors would be able to adjust their estimates of disposable income for the purpose of making auto loans, mortgages, or other extensions of credit. Uncertainty over educational debt burden would not deter other lending.

The charts are based on an assumed average interest rate of 10 percent and a base amortization period of 12 years at an income of between $26,150 and $31,450 for single people and $32,550 and $40,500 for joint returns. Thus, people in those income ranges will pay off their loans in about 12 years if the interest actually charged to their accounts; that is, T-bill plus 2 percent, averages 10 percent per year. The actual payment at the above income levels is $1,468 per $10,000 of account balance. As shown in the accompanying charts, lines 1 and 2, the annual payment per $10,000 of account balance at any other income is determined by multiplying $1,468 by the progressivity factor for that income level. The progressivity factors, ranging from 0.429 to 1.5, are derived from ratios of post-1983 marginal tax rates for different categories of taxpayers. Thus the progressivity inherent in the IDEA annual repayment formula is based on that found in ordinary income tax rate schedules.

Several other principles govern repayment. First, no one is charged more than 15 percent of income in any year. Second, borrowers are excused from all further obligation when they have paid off their loans at the standard interest rates; that is, T-bill plus 2 percent, or upon death, disability, or the completion of 30 years of repayment. Everyone must make the annual payment required for his income level for at least 12 years unless the loan has been repaid earlier at 1.5 times the standard T-bill plus 2-percent interest rates.

The basic elements of the repayment system, then, are: First, annual repayment amounts that are progressive with respect to income and directly related to individual borrowing history, second, standard interest rates of T-bill plus 2 percent, third, a 12-year minimum repayment period modified by a buy-out interest rate of 1.5 times the standard rate, fourth, a 15 percent of income cap on annual payment obligations, and fifth, forgiveness of remaining debt after a 30-year maximum repayment period. Together, these elements produce a system in which borrowers face an income-dependent sliding scale of effective interest rate charges on their IDEA obligations.

Since IDEA loan repayments are directly related to ability to pay, the system is extremely flexible. It automatically reschedules loans in the event of unemployment, career changes, periods of child care, or other causes of income fluctuation. It offers protection to the person who might hesitate to pursue a degree because she is unsure that her education investment will pay off. It also enables an expensively educated person to choose a low-paying job for a short time or permanently without undue hardship. For example, a young doctor could choose to practice community medicine in a poor rural area without having his education debts push him into a suburban specialty practice.

A logical way to finance a program like IDEA, whose returns are delayed but secure, is through the sale of federally guaranteed bonds. The IDEA proposal uses the Department of Education and State guarantee agencies backed up by the Student Loan Marketing Agency (SLMA) to collect loan request estimates from schools, sell the bonds, and channel the proceeds to students through their schools. The general form of these bonds would be specified by the Treasury. I believe that zero-coupon bonds sold at their discounted value and requiring no annual interest payments to bondholders would be an appropriate financing vehicle. The bonds would be repaid upon maturity from the IDEA loan trust fund. The trust fund will grow as borrowers' annual payments are channeled into it. When the initial zero-coupon bonds come due, the trust fund could pay them off.

The scale of these bonds would not affect the capital markets unless total investment in higher education were increased by the program itself or the program increases other consumption and reduces savings. Higher education is primarily a capital investment in terms of the sources of funds used to finance it. If the education financed by IDEA were not paid for with IDEA bonds, the capital would come from other sources, either governmental appropriations, personal savings, or private lending institutions.

The IDEA program should not require significant general revenue subsidies.

First, there is up to a 2-percent differential between the cost of capital and the standard interest rate charged to borrowers, depending on the form of IDEA bonds. This should cover administration and losses due to bankruptcy, default, death, or disability.

Second, as repayments are future income tax obligations, losses due to bankruptcy or default should be negligible. There is also less cause for default since payment burdens decrease automatically with any decline in income.

Third, the higher effective interest rates charged higher income borrowers offset the forgiveness provisions that effectively reduce interest rates paid by lowest income borrowers. Because IDEA borrowing will be primarily at the graduate-student level, the incomes of IDEA borrowers as a group would be higher than those of the general, or even the college-educated, population. IDEA does cap the effective interest rate faced by high-income borrowers at a level that is below that which they would pay on a commercial loan. The modestly higher effective interest rates faced by higher income borrowers; for example, up to 12.25 percent for a married couple with a constant $50,000 income during repayment will not discourage them from electing the IDEA option.

Participation by future high-income earners is encouraged by the absence of any means test in the IDEA program. Students from higher income families tend to have higher-than-average incomes once they join the work force. Under IDEA, they will, on average, pay higher-than-average effective interest rates and allow IDEA to better cross-subsidize borrowers with low incomes. The lack of a means test also simplifies administration of IDEA.

The subsidies incorporated in IDEA are carefully controlled. The T-bill plus 2 percent interest rate charged on IDEA loans makes abuse of the program for the purposes of noneducational investments or purchases unlikely. Compare the abuses of the GSL program that led to a reinstatement of means testing. All borrowers make at least a minimum annual payment. Very few will qualify for forgiveness of any IDEA loan principal, although their effective interest rates may be below T-bill plus 2 percent. For single

taxpayers, even $15,000 earners with maximum account balances up to $23,332 pay off their loans in 19 years at 8 percent—if 8 percent is the T-bill plus 2 percent rate over that period—and will have paid effective interest of 9.75 percent at the end of 30 years—if the T-bill plus 2 percent rate has been above 9.75 percent—at which time remaining IDEA debt would be canceled. At $30,000 income, the maximum annual payment of $4,500 will amortize a $31,510 balance over 12 years at 10 percent interest and cover 10 percent interest payments on up to a $45,000 loan balance. The 15 percent of income cap on annual payments would not result in much subsidy at this level—only automatic rescheduling and extension of repayment obligations. Even at a $10,000 income, the annual payment of $798 on a $10,000 account balance results in an effective interest rate of 7 percent over 30 years; only when the account balance exceeds $10,949 at this imcome level does the subsidy further reduce the interest rate. IDEA does not give anyone a free ride, only an easier, custom-tailored one that recognizes ability to pay for Government-supplied capital.

Of course, a major influence on the balance of IDEA will be the average levels of interest rates in the economy over the long term. Here again, IDEA employs a conservative assumption in basing the repayment tables on an assumed average interest rate of 10 percent. This rate implies 91-day T-bill rates of 8 percent. This is consistent with current economic projections. In historical terms, 8 percent is a high level. If 91-day bills average 8 percent over the next 30 years, the Government will have been doing a very poor job of managing the economy. If T-bills average a point or two less, borrowers' accounts will be charged only 8 or 9 percent interest, and borrowers will repay their loans in a shorter period of time. On the other hand, if T-bills go over 12 percent, fewer borrowers will repay at the actual cost of IDEA loan capital, since no more than 14 percent interest can be charged to borrowers' accounts—the same limit that now exists in the ALAS and PLUS programs. To that extent, borrowers are protected against runaway inflation and all taxpayers will retain an interest in keeping IDEA unsubsidized by supporting responsible fiscal and monetary policy. In general, both the Government and IDEA borrowers will reap the rewards of reasonable interest rates and inflation.

IDEA provides for consolidation of other title IV student loans, including GSL's and NDSL's. This provision allows borrowers under those programs, at their option, to convert their other loans into IDEA loans in order to receive IDEA's extended payment terms and 15 percent of income annual payment ceiling. This voluntary decision would involve a sacrifice of the interest subsidies of other loan programs but a reward of more manageable annual payments. The potential bonus to the Government would be a recapturing and elimination of its obligations to subsidize the converted loans.

IDEA is a carefully crafted proposal that can meet a pressing need for additional higher education financing at no cost to the taxpayers. It is open to all, extremely flexible, and targets assistance equitably to those who most need it in the amount that they need it. While it may appear complicated in its statutory form, the complex provisions create a relatively simple program from the standpoint of both individual borrowers and the agencies that would administer IDEA.

I urge my colleagues to give IDEA serious consideration, both in its current form, and as a framework for integrating other higher education financial assistance programs. IDEA's progressive repayment scheme does not require the use of an unsubsidized T-bill plus 2 percent interest rate; any other rate could also be used as a means of directing larger or smaller subsidies to those with greater or lesser need. Fellowships, grants, for giveness provisions, or other techniques could be used in conjunction with IDEA. The targeted subsidies of IDEA offer savings relative to a flat subsidized rate that ignores future earnings, and that savings could assist in the funding of other student assistance mechanisms.

Mr. Speaker, I insert in the RECORD at this point a chart of IDEA repayment information.

INCOME

	5,000	10,000	15,000	20,000	25,000	30,000	35,000	40,000	50,000	75,000	100,000	150,000
INCOME-DEPENDENT EDUCATION ASSISTANCE (IDEA): TAXPAYERS FILING JOINT RETURNS												
(1) Progressivity factor [1]	0.429	0.504	0.589	0.706	0.843	0.949	1.000	1.000	1.116	1.280	1.493	1.500
(2) Annual payment per $10,000 maximum account balance (MAB) [2]	$630	$740	$865	$1,036	$1,238	$1,392	$1,468	$1,468	$1,639	$1,879	$2,191	$2,202
(3) Percentage of income [3] payable per $10,000 MAB	12.6	7.4	5.8	5.2	4.9	4.6	4.2	3.7	3.3	2.5	2.2	1.5
(4)(a) Maximum annual payment	$750	$1,500	$2,250	$3,000	$3,750	$4,500	$4,750	$6,000	$7,500	$11,250	$15,000	$22,500
(4)(b) MAB amortizable at rate in (6) [4]	11,905	20,270	26,056	28,958	30,291	32,328	33,267	42,014	52,517	78,776	105,035	157,552
(5) Years required to pay back loan at indicated actual interest rates charged on IDEA loans:												
8 percent				19	14	11	10	10	9	7	6	6
10 percent					17	13	12	12	10	8	6	6
12 percent						17	15	15	12	9	7	7
14 percent							24	24	15	10	8	8
(6) Maximum effective interest rate paid at end of 30 years notwithstanding rates charged [5]	4.75	6.25	7.75	9.75	12.00	13.75	#	#	#	#	#	#
(7) Maximum effective interest rate paid at end of 12 years (or shorter period if 150 percent of actual interest rate) [6]						9.00	10.00	10.00	12.25	15.50	19.25	19.50
INCOME-DEPENDENT EDUCATION ASSISTANCE (IDEA): UNMARRIED TAXPAYERS												
(1) Progressivity factor [1]	0.467	0.544	0.707	0.847	0.971	1.000	1.066	1.142	1.249	1.468	1.500	1.500
(2) Annual payment per $10,000 maximum account balance (MAB) [2]	$685	$798	$1,037	$1,243	$1,425	$1,468	$1,565	$1,677	$1,833	$2,155	$2,202	$2,202
(3) Percentage of income [3] payable per $10,000 MAB	12.6	8.0	6.9	6.2	5.7	4.9	4.5	4.2	3.7	2.9	2.2	1.5
(4)(a) Maximum annual payment	$750	$1,500	$2,250	$3,000	$3,750	$4,500	$4,750	$6,000	$7,500	$11,250	$15,000	$22,500
(4)(b) MAB amortizable at rate in (6) [4]	10,949	18,797	23,332	24,135	26,259	31,510	33,267	42,014	52,517	78,776	105,035	157,552
(5) Years required to pay back loan at indicated actual interest rates charged on IDEA loans:												
8 percent			19	13	11	10	9	8	7	6	6	6
10 percent				17	13	12	11	10	8	7	6	6
12 percent				30	16	15	13	11	9	7	7	7
14 percent						24	17	14	11	8	8	8
(6) Maximum effective interest rate paid at end of 30 years notwithstanding rates charged [5]	5.50	7.00	9.75	11.75	14.00	#	#	#	#	#	#	#
(7) Maximum effective interest rate paid at end of 12 years (or shorter period if 150 percent of actual interest rate) [6]					9.50	10.00	11.25	12.75	14.75	18.75	19.50	19.50

[1] Based upon income level of borrower; derived from income tax rate structure and specified in Income-Dependent Education Assistance Act.

[2] MAB is highest amount of unpaid principal and accrued interest during the history of a borrower's IDEA obligation account.

[3] Income is Modified Adjusted Gross Income (MAGI)—Adjusted Gross Income plus certain additional preference income.

[4] 15 percent of MAGI maximum payment; indicated balance is fully amortized at the end of 30 years if the maximum payment is made each year.

[5] This figure is relevant for low-income borrowers whose annual payment may not fully pay off loans within 30 years (after which they are forgiven) at the actual applicable rates; if payments are limited by the 15 percent of income ceiling, the 30-year effective rate will be lower.

[6] Borrowers are released from their loan obligations after 12 years if they have repaid loans at the applicable interest rates, and are released at an earlier date if they have repaid all loans at 150 percent of the normally applicable rates.

An individual in repayment status for more than 12 years will never pay more than the actual interest rate charged each year on IDEA loans, which is limited to 14 percent in any year; the "#" symbol indicates potential effective rates in excess of 14 percent, and in these cases the balance indicated in (4) would have been repaid in a period shorter than 30 years at even the 14 percent maximum rate.

Note.—Interest rates are rounded to nearest ½ percent; years are rounded to nearest year.●

GILMAN INTRODUCES FAST TRACK SURTAX LEGISLATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. GILMAN. Mr. Speaker, today I am introducing legislation which is of importance to our Nation, and to our vegetable growers in particular. My commodity surtax measure is designed to be imposed for limited periods and only when agricultural imports are injuring a specific commodity for a certain week. For that week, a surtax is triggered. If there is no impact on market prices during the following week, then no surtax would be applied.

Importation of certain vegetable commodities into American markets during periods of heavy volume of U.S. production usually results in economic injury to our domestic producers through reduced produce prices. The declared value of a shipment at the point of entry into the United States often is not accurate. It is therefore necessary to provide a temporary surtax on commodities from time to time when increased volume of imports is presumed to have resulted in decreased domestic market prices. My legislation requires the Agriculture Department to monitor certain affected commodities to determine from volume and benchmark prices the extent of economic impact on our domestic growers. Should injury be determined for a specified commodity, a surtax system can be put into place, and the surtax would be collected by customs officials at the border.

The commodities this legislation proposes to monitor include: Cabbages, carrots, celery, lettuce, red and yellow storage onions, potatoes, and radishes.

For purposes of determining the surtax, a "benchmark price" for each vegetable category will be determined, and would be computed for each month within the applicable marketing season, 85 percent of the average monthly market price for domestic and imported articles for the same month during the 36-month period immediately preceding the month for which the computation is made. If the Secretary of Agriculture determines that the benchmark price is abnormally high or low due to harvest variations, then a computation can be made that equals 90 percent of the average monthly market price for that category for the same month during the 60-month period immediately preceding the month for which the computation is made.

In determining the market price of imported commodities, under this bill, the sales price of imported articles at the three terminal markets having the heaviest volume of imports of the article being monitored would be considered.

My legislation allows the Secretary, upon petition, to add any classification of fresh vegetables, provided that the Secretary concludes that economic injury is being caused or threatened to the U.S. producers of that commodity.

During the marketing season, the listed commodities would be monitored weekly, but if determined that the average market price paid does not equal 90 percent of the average price for that category for that week in the immediately preceding 3 years, then the Secretary can designate that vegetable as depressed, and monitoring continues on a daily basis for the prices paid for articles in that category as well as monitoring on a weekly basis the volume of imported articles in that category that are sold in terminal markets. If the average market price is below the benchmark price for that category, and if the volume exceeds by 5 percent the volume of the same imported article sold in a terminal market during the equivalent week 5 years ago, the surtax is established.

The weekly monitored terminal market price, when found to be below the benchmark price, will be subtracted from the benchmark price, and this difference will be added to the previous week's average price difference, if any, that is below the benchmark price in order to determine the subsequent week's surtax amount.

After a surtax has been implemented, and the average weekly monitored price is found to be above the benchmark price, the previous week's surtax will be decreased by the amount of this difference in order to calculate the surtax for the following week.

The surtax for that vegetable commodity would be in effect for 180 days, and could be extended by the Secretary for another 90 days if it is determined that conditions are still the same.

There will be weeks, Mr. Speaker, when there will be no surtax. During other weeks, a surtax will be in place. The importing country will be notified as soon as findings are made by the Department of Agriculture, and the surtax will be collected at the border.

The problem of imports undercutting American prices affects almost every industry. The vegetable industry is not immune, and has been suffering severely. American producers of fresh vegetables receive no subsidies whatever from our Government, while many of our trading partners subsidize their growers nearly every step of the way. Trying to find American grown carrots in the Northeast is extremely difficult. I am imformed that New York State only has one carrot producer left, and other States are losing family farms year after year.

I believe that this proposed agricultural surtax system, modeled after an existing system of one of our trading partners, is a fair method of ensuring that imported vegetables and potatoes do not further erode our agricultural economy. The American farmer is among our Nation's most vulnerable entrepreneurs, continually confronted with the hazards of droughts, floods, pestilence, surplus crops, etc. Unsubsidized, it takes our farmers years to recoup their losses from any natural disaster. Their plight is made worse by the onslaught of imported commodities that undercut their prices. This surtax system will provide needed relief, and will be utilized by the Department of Agriculture only when needed.

Mr. Speaker, I request that at this point in the RECORD a copy of my proposed legislation be printed in full for the review of my colleagues. I am requesting prompt hearings and ask my colleagues for their support. Together, by adopting this proposal, we can secure relief for the American vegetable and potato farmer.

H.R. 3193

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fresh Vegetable and Potato Trade Act of 1983".

SEC. 2. As used in this Act:

(1) The term "article" means a specific vegetable category commodity entered into trade in a terminal market.

(2) The term "benchmark price" means, with respect to articles in a vegetable category, a price, computed for each month within the applicable marketing season, that equals—

(A) 85 percent of the average monthly market price for domestic and imported articles in that category for the same month during the 36-month period immediately preceding the month for which such computation is made; or

(B) if the Secretary considers that the benchmark price computed under subparagraph (A) is abnormally high or low because of harvest variations, 90 percent of the average monthly market price for domestic and imported articles in that category for the same month during the 60-month period immediately preceding the month for which such computation is made.

(3) The term "imported articles" means articles that have been entered, or withdrawn from warehouse for consumption, within the customs territory of the United States.

(4) The term "market price" means the sale price at which imported articles in a vegetable category are bought and sold in the course of trade at the three terminal markets having the heaviest volume of imports of such articles. The market price shall be based on such quantity of measure as the Secretary deems appropriate for purposes of carrying out this Act.

(5) The term "marketing season" means the marketing season in the United States for vegetables, that are produced in the United States, of a kind like those in a vegetable category, as determined by the Secretary.

(6) The term "Secretary" means the Secretary of Agriculture.

(7) The term "terminal market" means a marketing area in the United States at which major shipments of imported articles in a vegetable category are introduced into domestic commerce.

(8) The term "vegetable category" means each of the following classifications, identified by reference to the appropriate item numbers of the Tariff Schedules of the United States (19 U.S.C. 1202), of vegetables, if fresh:

(A) Cabbages provided for in item 135.30.

(B) Carrots provided for in items 135.41 and 135.42.

(C) Celery provided for in items 135.60 and 135.61.

(D) Lettuce provided for in items 136.60 and 136.61.

(E) Red onions and yellow onions, of the type produced for storage holdings, provided for in item 136.93.

(F) Potatoes provided for in items 137.25, 137.26, 137.28, and 137.29.

(G) Radishes provided for in item 137.40.

The Secretary, for the purposes of this Act, may add for the duration of a marketing season any classification of fresh vegetable provided for in such Schedules as a vegetable category if a United States producer of vegetables of that kind petitions the Secretary for such addition and the Secretary concludes that economic injury is being caused or threatened to United States producers of articles in that category after applying the criteria in sections 3 (a) and (b)(2).

SEC. 3. (a) During each week of the marketing season, the Secretary shall monitor the market prices paid for articles in each vegetable category. If the Secretary finds, on the basis of such monitoring, that the average market price paid for articles in any vegetable category during a week does not equal 90 percent of the average price for such category for such week in the immediately preceding 3 years, the Secretary shall, within 5 working days, publish notice thereof in the Federal Register designating that vegetable category as a depressed vegetable category.

(b) The Secretary shall, with respect to articles in each vegetable category designated as a depressed vegetable category under subsection (a)—

(1) monitor on a daily basis the market prices paid for articles in such category; and

(2) monitor on a weekly basis the volume of imported articles in such category that is sold in commerce at terminal markets.

(c) If the Secretary determines, on the basis of the monitoring required under subsection (b) regarding a vegetable category that is depressed, that—

(1) the average market price for articles in that category for any week in the marketing season was below the benchmark price for such category; and

(2) the volume of imported articles in that category that was sold in commerce at terminal markets during such week exceeds by 5 percent or more the volume of imported articles in that category sold at terminal markets during the equivalent 7-day period in calendar year 1978;

the imported articles in that vegetable category shall be presumed to be causing, or threatening to cause, economic injury to United States producers of like vegetables.

SEC. 4. (a)(1) Within 2 working days after making a determination under section 3(c) regarding imported articles in a vegetable category, the Secretary, by publication of notice thereof in the Federal Register, shall (A) issue notice of such determination, and (B) establish a surtax period for such category which shall be the 180-day period commencing on the next Thursday which occurs not less than 5 days after the date on which such determination was made. The Secretary shall at the time of such publication notify the exporting countries of articles in such category of such establishment.

(2) The Secretary may extend a surtax period established under paragraph (1) by an additional 90 days if he determines that the conditions which led to the establishment of the initial 180-day surtax period are still in effect at the close of the initial period.

(b)(1) There is imposed on all articles in a vegetable category to which a determination under section 3(c) applies that are entered, or withdrawn from warehouse for consumption, in the customs territory of the United States during each week within the surtax period a surtax for that week, the amount of which shall be computed on a weekly basis in accordance with subsection (c) by the Secretary on the basis of the applicable market prices and benchmark prices.

(2) A surtax imposed under this Act shall be treated for all purposes of the customs laws as a duty which is in addition to any other duty imposed on the entry or withdrawal from warehouse of articles in the vegetable category concerned.

(c)(1) For purposes of this section—

(A) The term "computation period" means the 7-day period that ends on a Wednesday in the two weeks before the week in which a surtax week begins.

(B) The term "surtax week" means each 7-day period, beginning on a Thursday, that is within a surtax period established under subsection (a).

(2) The surtax imposed under subsection (b) for each surtax week on imported articles within a vegetable category shall be determined on the basis of the relationship between the average daily market price paid during the applicable computation period for articles in such category, and the applicable benchmark price for such article, as follows:

(A) If there is no difference between such market price and benchmark price—

(i) no surtax shall apply during the surtax week if no surtax is in effect for the immediately preceding surtax week; or

(ii) the surtax for the surtax week shall be the same as the surtax, if any, in effect for the immediately preceding surtax week.

(B) If such market price is below the benchmark price, the surtax for the surtax week shall be—

(i) an amount equal to the difference between such prices, if there is no surtax in effect for the immediately preceding surtax week, or

(ii) an amount equal to such difference plus the amount of any surtax in effect for the immediately preceding surtax week.

(C) If such market price exceeds such benchmark price—

(i) no surtax shall apply during the surtax week if no surtax is in effect for the immediately preceding surtax week, or

(ii) the surtax for the surtax week shall be the amount of the surtax in effect for the immediately preceding surtax week reduced by the amount of such excess (but not below zero).

(3) For purposes of determining under paragraph (2) the surtax to be imposed during the first surtax week in any surtax period, a surtax shall be determined under paragraph (2)(B) on the basis of the findings of the Secretary under section 3(c)(1) on the imported articles concerned and such surtax shall be treated as being in effect during the week before such first surtax week.

(d) The Secretary shall certify to the Secretary of the Treasury the surtax, or absence thereof, as determined under subsection (c) for each surtax week within the surtax period established for a vegetable category. The Secretary of the Treasury shall take such action as may be necessary or appropriate to levy and collect any such surtax so certified, including the requirement of additional bond to secure payment of a surtax.

SEC. 5. The Secretary and the Secretary of the Treasury shall each issue such regulations as may be necessary and appropriate to carry out this Act.●

CALIFORNIA FIRM DONATES 9,000 COMPUTERS TO CALIFORNIA SCHOOLS

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 2, 1983

● Mr. STARK. Mr. Speaker, last session I introduced H.R. 5573, to encourage the donations of personal computers to primary and secondary schools. During the 97th Congress, the Computer Contributions Act received broad bipartisan support and on September 22 passed the House of Representatives 323 to 61. Unfortunately, after being favorably reported by the Senate Finance Committee, the legislation failed to reach the Senate floor. I have reintroduced the bill this session as H.R. 701, with 80 cosponsors and have confidence in its passage this year.

In my home State of California, there exists a similar law which provides a tax credit for the donation of computer equipment to secondary and elementary schools. This law is providing classrooms in California with computers that otherwise they could not afford.

Apple Computer has just announced its "Kids Can't Wait" program which will donate complete computer systems to approximately 9,000 California public and private schools.

This program will be a great step toward giving California's kids the hands-on knowledge of computing, that they will need for tomorrow's job market. Technology is fast changing, and it will take a strong joint effort by all the participants—including teachers, students, and the States computer training centers to keep our schools at the leading edge of technology. Apple is strongly committed to playing a key role in this partnership; together, they can make real progress.

There have been several recent reports describing the downward course education has taken in this country. It is my desire to make Congress aware of one good example that has been

happening in education—Apple's computer program.

Mr. Speaker, we have been closely monitoring this California tax incentive program. Apple Computer is the third company to inititate a donation program in California. Hewlett-Packard and IBM have begun programs to put computers in California's schools. Clearly, computer companies are willing to take advantage of this type of change in the Tax Code. We are now watching how these computers will be used and whether they can, in fact, help improve the quality of learning. The information we learn can be applied to H.R. 701 and H.R. 3098 to insure a national program that is efficient and effective. This is federalism at its best, in which a State can serve as a laboratory for the Nation.

Again, my congratulations to the State legislators who developed this program and to the companies, such as Apple, Hewlett-Packard, and IBM, who are responding to it.

Following is additional information on the Apple Corp.'s "Kids Can't Wait" program:

APPLE COMPUTER CO. "KIDS CAN'T WAIT" FACT SHEET

Donation Package: Apple //e Computer, Monitor, Disk Drive, Apple Logo Software, 1983-84 Sterling-Swift Educational Software Directory, Applesoft Basic Programmers Reference manuals, software discount coupons from major publishers, Brochures on computer useage in schools published by the International Council for Computers in Education.

Warranty: Standard 90-day service warranty on all components. "AppleCare" Carry-In Service Plan available.

Eligible schools: Public K-12 schools. Tax exempt private schools with enrollments of over 100 K-12 students. State-certificated private tas-exempt special education schools. Selected schools operated by County Offices of Education.

Schedule:

May 11: Kids Can't Wait Program announced. Information mailed to school district superintendents, County Superintendents and private school administrators. Letters are also mailed to 9,000 Apple designated schools.

May 12-June 10: Administrative officers send Apple a list of schools they approve to receive a computer system.

June 20: Apple mails orientation certificate to each eligible school.

June 22-Sept. 30: An individual from each school redeems a certificate at an Apple dealer and attends orientation session. Apple ships computer system to school.

September 30: Completion of Kids Can't Wait Program.

Product will be shipped within 30 days of certificate redemption.●