SENATE—*Monday, February 6, 1984*

(Legislative day of Monday, January 30, 1984)

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. THURMOND).

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

* * * *except the Lord keep the city, the watchman waketh but in vain.*—Psalm 127: 1.

Father in Heaven, we pray today for Larry Smith, the Sergeant at Arms and all who work with him. They have a duty to perform which is guaranteed to displease many. We pray that they may be given patience as complaints pour in and grace to respond in love and kindness to those who are angry, who grumble and growl. Help us all to accept the necessity of these restraints, to behave understandingly to those who bear the burden of enforcing them and be grateful for their faithfulness to our welfare.

We pray for the police, the doorkeepers, the plainclothes people and all who have direct contact with the public who have difficulty accepting new rules. Give them grace when people are hostile and help us never to forget that their lives are on the line whenever and wherever security is involved. Dear God, please do not allow these superficial changes to disrupt the deeper harmony and unity of the Senate. In Jesus' name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

CHAPLAIN THANKED FOR SUPPLICATIONS

Mr. BAKER. Mr. President, I am not sure whether I am recognized as a grouser or a grousee, but I thank the Chaplain for his prayer this morning. I repeat, facetiously, what I have said on other occasions. There are some things I would rather tell the Lord myself rather than have them told in public but, in any event, we are all grateful for his supplications this morning.

(Mr. DENTON assumed the chair.)

SENATE SCHEDULE

Mr. BAKER. Mr. President, the list keeps growing. We first began with a commitment to take up the crime package, separate and aside from the death penalty, and I guess then there was added the exclusionary rule and habeas corpus, which were originally in the crime package. I made a commitment to the Senator from Arizona (Mr. DECONCINI) the chairman of the Judiciary Committee, Senator THURMOND, and no doubt others that if we took up the crime package the others would follow on immediately, and they will. But, as I say, the list keeps growing of other things that people want to take up. And in addition to that now we have had the drug czar bill, armed career criminal bill, and one or two others until the list got to be eight items that were then considered as ancillary crime bills.

Well, I am sure every one of those are meritorious, but today, on Monday, the second week of our deliberations on the crime packages, I wish to state that I intend to honor the commitments that I made earlier and we will devote today, if the Senate will agree, to doing other and collateral issues but later today before we go out I want to try to reach one of those original three bills, death penalty, habeas corpus, the exclusionary rule, and maybe the Federal tort claims should be included on that list.

But the point is, Mr. President, that if we do not get on with the hard ones, pretty soon we are not going to finish them this week. So we will do whatever we can do of the other bills today during the day, but before the day is out, perhaps just before we go out, it will be the intention of the leadership on this side to get to one of those major items, either the death penalty or habeas corpus, exclusionary rule or Federal torts claims. I do not say this in any way to diminish the importance of other things but to repeat, I made a commitment that I would try to reach those things immediately after we did the crime package. So far I am not doing that, so I am willing to devote today to the other items but before the day is out I would like to at least try to lay down one of the other important issues.

Mr. THURMOND. Mr. President, will the distinguished majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. THURMOND. I should like to say that we are ready to go on the habeas corpus and exclusionary rule today, and we hope that that schedule could be kept, and follow that with the death penalty.

Mr. BAKER. All right. Mr. President, could I inquire of the distinguished chairman of the committee, our President pro tempore, and a good friend, and a universally admired statesman in this body and throughout the Nation, does the Senator from South Carolina feel that we can finish all four of those items this week?

Mr. THURMOND. I think there is a chance. I am not sure we could finish the death penalty this week, but I think there is a chance. We may have to have a rollcall on the death penalty. We may have to apply cloture on that. We have the Tort Claims Act which is very important, too. That is extremely important. I think we can finish if we can take those three first and then death penalty, and let Senators know that we are going to stay on them and, if necessary, run some at night until we finish. I really think we can complete them if we do.

Mr. BAKER. Mr. President, the concern I feel rising in my person is that we are going to put off death penalty until the last and then we will be backed up against the Lincoln Day recess. Then when we come back, we are going to be backed up against something else. I wonder if the Senator feels it would be better to get the death penalty first.

Mr. THURMOND. I think we can knock out habeas corpus and the exclusionary rule today and tomorrow and get the death penalty by Wednesday, and then do the Federal tort claims. So if anything has to go over the recess, that could go over.

Mr. BAKER. Very well. Mr. President, I thank the Senator. As the Senator knows, I almost invariably follow his advice, certainly in matters within his jurisdiction as chairman of the Judiciary Committee, and so during the day today I would hope that we can get to——

Mr. THURMOND. As quick as we can get to habeas corpus, Mr. President, this morning, the better. I wish to thank the Senator.

Mr. BAKER. During the day I hope we can get to habeas corpus and we will feel our way along. Let me say, Mr. President, I hope we can finish this whole package this week.

What I am about to say next will be an unwelcome statement, but it is absolutely essential in my opinion. Senators should please take note of the possibility of late evenings every day this week. Senators should assume we will be in on Friday of this week. And

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

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all of that in an effort to try to finish this group of bills, because when we come back we are going to have a great deal more to do.

Mr. THURMOND. If the majority leader wishes to run Saturday, it will be fine. I really feel it is very important to finish them. I express my deep appreciation to the majority leader for the excellent leadership and outstanding cooperation he has shown. I also thank the able minority leader, too, for his fine cooperation.

Mr. BAKER. I thank the Senator. Mr. President, may I say we will not be in on Saturday. I regret to say that, but we have a published recess schedule that begins at the close of business on Friday, and I would like to honor that schedule. So rather than come in on Saturday, I urge Senators to be understanding and cooperative when I say the leadership may ask them to remain late any day, perhaps every day, this week in order to finish this job.

One other announcement I might make of a tentative nature. I privately represented to the minority leader that when we come back it would be my hope that we could get to the prayer amendment. I think that that probably will be a little later instead of just after we come back, because I am going to have a few other things backing up against it. So I will talk to the minority leader more about that later, but my guess is the prayer amendment will come maybe the week after we come back instead of immediately after we come back, maybe 2 weeks after we come back. But I will confer more with the minority leader on that point as we go along.

Mr. President, I thank Senators for hearing me make these unwelcome remarks.

Today, we are meeting pursuant to an adjournment, with the usual unanimous consent order.

After the time for the two leaders has expired, two Senators will be recognized on special orders, and then there will be time for the transaction of routine morning business, to extend until noon, at which time we will take up one of the measures that remain to be done in this package.

Mr. President, I apologize to the minority leader for taking so much time. I am sure my time must have expired.

I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

Mr. BYRD. Mr. President, the majority leader owes no apology to anyone. He is doing his duty when he attempts to lay out the schedule. I know it is a pretty heavy burden to try to develop a schedule and get the bills up which the majority leader feels necessary

I thank the distinguished President pro tempore, Mr. THURMOND, for his kind remarks. He is held in very high esteem by me, and I try to cooperate whenever I can.

Mr. President, I yield my time to Mr. EXON, if he should need it.

RECOGNITION OF SENATOR EXON

The PRESIDING OFFICER. Under the previous order, the Senator from Nebraska (Mr. EXON) is recognized for 15 minutes under his special order, plus 9 minutes.

Mr. BYRD. I thank the Chair.

Mr. EXON. I thank the Chair, and I thank the minority leader.

Mr. President, with the death of each marine on the foreign soil of Lebanon, the cry goes forth again to bring them all home. There then follows a period of frantic explanation, driven by pride, of what a glorious mission we are about there and the return fervor subsides somewhat until the next death.

Indeed, the marines now find themselves under orders to do nothing from their exposed and highly vulnerable positions.

They stay alive by keeping their heads below ground level and keep digging deeper into their man-made, steel-reinforced caves. This all bears out the wisdom of the nearly unanimous military command recommendation against the Beirut Airport location for deployment if it was the determination we should land troops on these troubled shores.

Our heroic peacekeepers are prevented by orders from keeping any peace. Their mission has dramatically shifted to one of hunkering down and not taking casualties so as not to increase pressure at home to get them out.

That brings us back to the decision as to what the Congress should do now since the Congress gave the President what he wanted through a bipartisan vote last fall to authorize their deployment for up to 18 months.

Through all of this we have all but forsaken the stated objectives of the deployment in the first instance as neutral peacekeepers.

Whatever cloak of respectability we try and dress up our Beirut adventure in, it still emerges as a tragic Turkey. We had best decide what went wrong with our goals and how to extricate ourselves. To put this in admittedly simplified, but bottom line perspective, we should first concede, given the then clear current and historically known circumstances, that a superpower had no business jumping into the middle of a religious-civil war, even as supposed neutral peacekeepers. Had Great Britain, for example, dug in troops in either Washington or Richmond in the 1860's, who would have perceived them as neutrals?

A reluctance to be drawn deeper into the quagmire of Lebanon's internal problems does not imply an abandonment or reversal of our long-time interest and concern for peace and stability in the Middle East. We should remain as committed as ever to encouraging peaceful solutions to the region's problems, but not as world policemen. We should continue our efforts in seeking a solution to the Palestinian issue. We should continue to support our ally Israel, but certainly not to the extent they are now apparently suggesting that we escalate our open military involvement. Such is a development I feared when we first landed our tripwire ground forces. We should continue to look for negotiated solutions to Lebanon's problems. What I am raising issue with is our method of achieving those goals. In our sincerity to attain peace and stability we have become too carried away by momentum. We have not sufficiently considered the consequences of our actions before taking the next step. In its determination to bring about a lasting solution to the problems of Lebanon the administration has overlooked the many facets of the conflict which are unique to the region. As a result we are finding ourselves helplessly manipulated by events, like the rider on a runaway horse who is unable to stop the horse or get off without injury or embarrassement. We, as well as our marines, are hostage to the events in Lebanon over which we have no control.

I have been opposed to the presence of marines in Lebanon from the beginning. Deploying ground forces is a serious sign of commitment because once they are deployed it is inevitably difficult to withdraw them in a situation short of complete success. History has repeatedly shown that success is possible in such a situation only if we are prepared for an all-out commitment of all the necessary conventional forces to support the tripwire nature of only token forces.

We are again being called upon to supposedly fight Communist interests on the other side of the globe. But there is not any Soviet blood being spilled there as was the case in both Korea and Vietnam. They only fight in or near their homeland or to keep their surrogates in line. If the current situation seems ill-conceived and fraught with danger, it is indeed. We have outfoxed ourselves with our current policy.

I believe, however, that a new consensus, central Lebanese Government deserves our encouragement. Such a government would hold a promise of stability and would be an essential building block for a lasting solution to

Lebanon's problems. But our commitment to such a government should not continue to include the stationing of marines in Lebanon. We could provide some level of military assistance which will help a new consensus Lebanese Government in its attempts to unify the country. And we must apply more pressure on the current Gemayel government so that it will be more flexible in its negotiations with the Druze and other political factions in the country. Sunday's cabinet resignations might make such more possible. On the other hand, it could be the beginning of the end of the Gemayel government.

Are we to once again condone the handcuffing of American fighting men in a situation where the other side is at war against us but we are only allowed to act as if we are at peace? Remaining in place, hunkered down, is no way to protect a ground force except in a peaceful environment. Does that describe Beirut today? I fear we all know the answer. The best way to protect a military force is to wipe out the threats to it—something we cannot do in this case. Once again we have placed American fighting men in a hopeless, no-win military situation while the politicians bicker and posture themselves.

What we must face directly is that we do not want further chaos to result when we withdraw the marines. One untried way to avoid this is to replace the marines with a United Nations or other neutral peacekeeping force. The multinational force as it is presently comprised is not neutral and cannot help achieve stability and control in Lebanon. Therefore, such forces should have no prior affiliation with any side of the Lebanese conflict and should not be deeply involved with any of the ongoing crises in the Middle East.

We are not aggressively pursuing this course. I am most concerned that such inaction tends to only worsen our situation. Why are we so reluctant to pursue such a course of action? This weekend the situation in Lebanon deteriorated further with the collapse of the Gemayel government's cabinet and a threat his army may be ready to fall apart. Only last week the Secretary of Defense told the Armed Services Committee that the army was making great strides in training under our supervision and by April should be a potent force to maintain order. I suggest this is another dream that will not be realized. The deterioration of Gemayel's army would pose a serious further threat to our marines.

There is every indication that Israel, under the pressure of public opinion, may be about ready this spring or summer to withdraw to its northern borders. After we encouraged their withdrawal from Beirut so we could send our troops in, would it not be the height of irony if their boys went home next door while our marines were still pinned down in their Beirut Airport caves halfway around the globe?

We decry terrorism as if we did not know it was part and parcel of the Middle East warfare. It is not new, it is part and parcel of the Mideast world. We might be able to curtail it if we level every city and village in that part of the world, but it would not be eliminated.

Some have trumped up the theory that getting the marines out of Beirut onto ships of the 6th Fleet offshore would endanger the flow of oil in the Pesian Gulf. If 1,800 marines pinned down in a no-win situation at the Beirut Airport is that critical, it only proves the tragedy of putting them there in the first place. Such policy speculation should serve to stimulate a review of what the free world intends to do if the gulf is closed. The United States does not depend on the gulf for oil supplies nearly to the extent others do. I hope we are not expected to be the major world policeman there also.

For all of these reasons and others, I have cosponsored the resolution which was introduced last week calling for intensified diplomatic efforts aimed at Lebanese reconciliation, replacement of current multinational force with a United Nations or other neutral peacekeeping force, and the prompt, orderly withdrawal of U.S. troops. This is what our policy should have been and should be now. We cannot stay on the same course. This resolution and statement of overall U.S. policy represents a legitimate and proper role for the Congresss in foreign policy and does not necessarily tie the President's hands—unless those hands are linked with an indefinite and undefined policy of unacceptable delay in correcting our mistake. To err is human. To seek solutions instead tells the President we will join hands in a revised overall policy which all Americans can support and which has a better chance of achieving the objectives we all share. I have no objections to proper amendments so long as its central point is not altered—which is to begin to plan now for withdrawal and insist that the administration so proceed and advise the Congress.

Mr. President, it is my hope that all Members will consider our initiatives.

Mr. President, I yield any remainder of my time back to the minority leader.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I listened with great interest to his statement. It is a statement which I am sure the Senator must have written himself because he says what he thinks, thinks what he says, believes what he says, and speaks with conviction.

VITIATION OF SPECIAL ORDER FOR SENATOR BYRD

Mr. BYRD. Mr. President, I ask unanimous consent that the special order which was mine be vitiated because no Senator seeks to use any of the time.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to extend beyond the hour of 12 noon with statements therein limited to 10 minutes each.

The Senator from Wisconsin.

COMPREHENSIVE TEST BAN TREATY ESSENTIAL TO STOP NUCLEAR ARMS RACE

Mr. PROXMIRE. Mr. President, what is at the heart of the difference between those who call for an end to the nuclear arms race and those who contend that peace and salvation lie in our continuing to improve or modernize our nuclear capability? The real difference lies in whether or not we should propose to the Soviet Union an end to the testing of new nuclear weapons.

In a recent article in Long Island's Newsday, David Morrison, a research analyst at the Center for Defense Information, reported the following:

> In 1979 as negotiations on a comprehensive test ban neared completion, the director of the Lawrence Livermore lab and his counterpart at the Los Alamos National Laboratory met with President Carter and urged him not to introduce the treaty—as, indeed, he did not. Reportedly their arguments were based on the need to develop the coming generation of nuclear weapons.

This reminds us that President Reagan carries on this arms race in a bipartisan spirit. He talks of arms control, of returning to the bargaining table with the Soviet Union, of restraining and developments of warheads and launches. The administration has also recently started to discuss trade-offs. We would agree to hold up on our manufacture and deployment of bomber and submarine based nuclear weapons if the Russians will hold off on land based nuclear weapons.

This represents some progress but none of this talk seems likely to lead to any action. In fact, as we know, the superpower negotiations have been suspended and may not resume for months, possibly not until after the election. If they do resume there is not much prospect that the Reagan administration will change their posture and agree to any nuclear arms limitations. But even if they do have a change of heart on limiting nuclear arms, there seems to be virtually no remote possibility that they will consider taking the one step which could have a truly significant effect in halting the arms race: A comprehensive test ban treaty.

The administration's attitude on the test ban treaty was most vividly put by Gen. William Hoover, the Energy Department's Deputy Assistant Secretary for Military Applications who called it, according to reporter Morrison, a unilateral technological lobotomy. Of course, this is nonsense. There is nothing unilateral about the treaty. It calls on mutual—I repeat mutual—cessation of nuclear weapons testing. This ban would, of course, only apply to that testing that we could assuredly monitor. The Soviets would have to cease testing, just as we would. If they did cease, so would we. If they did not, we would not. Sure the treaty would result in closing up Livermore and Los Alamos—as well as their Soviet equivalents, and it would cost the jobs of the 40,000 Americans now employed in testing, producing and deploying nuclear weapons.

But, oh, how worthwhile it would be. It would begin the ending of the world's worst nightmare. Indeed, we would still have to live with nuclear weapons and with the widespread knowledge of how to produce nuclear weapons. And, yes, we would have to live with the continued efforts of scientific genius to develop more and more advanced and lethal nuclear weapons. But without testing, in the words of General Hoover, we would have performed a lobotomy on the technogical arms race. But it would not be a unilateral lobotomy. We can certainly monitor test explosions far, far below the present 150 kiloton level which has been in effect since 1974. We can continue to reach out for ways to slow down the present race to universal nuclear annihilation.

For any who think I may exaggerate the dangers of the technological nuclear arms race, consider the words of George Dacey, president of the Sandia National Laboratories in Albuquerque, when he was asked his view on a nuclear freeze. Dacey's reply:

If you mean by "freeze" that you intend to stop thinking to stop considering what the weapon possibilities are, what modern warfare can, in fact, become then I think you are taking a dangerous risk with this country's security. From a technical standpoint I think there are enormous possibilities for improvement ahead. We do need to make it clear that such progress is in the public interest and that we should charge on at full speed.

And that, Mr. President, is precisely what we are doing: Charging on at full, multibillion dollar a year speed. The President's budget calls for a fat increase in outlays for atomic energy defense activities from about $6 billion in 1984 to $7.1 billion in 1985. In outlays, the increase would go from a 1984 level of $6.7 billion to a 1985 level of $7.8 billion. All of this of course would go for the research and development and production of the nuclear devices themselves. In addition, the Army, Navy, and Air Force would spend tens of billions of dollars to provide the delivery systems—by bomber or submarine or land-based missile. But it is the research and development of newer, more lethal weapons—more certain to pierce any curtain of protection that constitute the driving force behind the arms race and the certainty that it leads to an international graveyard for mankind.

Mr. President, I ask unanimous consent that the article which I have referred to by David Morrison in the January 24, 1984, issue of Long Island Newsday be printed in the RECORD.

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

THE POWER BEHIND THE ENERGY DEPARTMENT

(By David C. Morrison)

As is well known, procuring nuclear delivery systems—bombers, missiles and artillery pieces—is the job of the Department of Defense. Not so notorious is the fact that manufacturing the nuclear explosives they carry is the domain of the Department of Energy.

The DOE's weapons production complex is a far-flung nuclear archipelago, occupying a land area the size of Delaware and employing almost 40,000 people. While the agency also oversees civilian energy programs, nuclear weapons consume a growing slice of its budget pie. Out of a 1984 budget of $10.1 billion, $6.5 billion, or 64 per cent, is for military nuclear programs, an almost threefold increase over the last five years.

This sharp increase was explained to a Congressional subcommittee last March by the DOE's deputy assistant secretary for military applications, Maj. Gen. William Hoover. "Ultimately," Hoover said, pointing to a graph detailing U.S. warhead production in the coming years, "our funding requirement is driven by the number of weapons that have been approved by the President. We call this our mountain chart, for obvious reasons, and we are on it and climbing."

But the department is looking far beyond that multi-megaton mountain in anticipation of the revolutionary new "third-generation" nuclear weapons on the horizon. The nuclear first generation were fission or atomic weapons and the second generation fusion or hydrogen weapons. In third-generation weapons, a part of the total energy produced by the explosion will be "tailored" to achieve a specific destructive effect.

According to Richard Wagner, assistant for atomic energy to the secretary of defense, third-generation nukes can "be used in much more discriminating ways than existing nuclear weapons . . . Such an ability to be very selective in the damage done or not done, with the tremendous energy available in nuclear weapons, could be the most significant change in nuclear weapons technology since the early days of the nuclear era."

Enhanced radiation weapons, popularly called "neutron bombs," are crude precursors of the third generation, since they maximize the deadly fast neutrons created by a thermonuclear explosion while minimizing the more broadly destructive blast effect.

The "tailored output" third-generation weapons now under study include: bombs using the electromagnetic pulse, or EMP, created by nuclear detonations to knock out enemy electronics and communications, hydrogen-bomb-boosted X-ray lasers to destroy incoming enemy missiles and warheads, and "directed plasma" weapons that would narrowly focus the effects of a usually spherical nuclear explosion.

Of all the third-generation weapons under consideration, direct plasma will likely be the toughest to realize, given the problems of harnessing and focusing the devastating energy of even a "small" nuclear explosion.

The EMP bomb is another matter. Through a complex interaction with the earth's magnetic field, high-altitude nuclear explosions create an intense burst of electromagnetic energy that can saturate an area thousands of miles in radius. While EMP is harmless to humans, a nuclear warhead detonated hundreds of miles above Nebraska could knock out unprotected computers, telecommunicators and other electronics all across the country.

"What the weapons designers have been able to do," says Donald C. Latham, deputy assistant secretary of defense for command, control and communications, "is to design weapons which could generate very high levels, very efficiently, of EMP." The tricky part will be to concentrate the pulse so as to disable Soviet satellites and ground communications without burning out nearby friendly systems.

The third-generation program that has garnered the most publicity is the H-bomb-boosted X-ray laser. Code-named "Excalibur," it is one of the plethora of future, space-based, laser missile-defense weapons that feed into President Reagan's "Star Wars" proposal.

Excalibur has been most actively promoted by physicist Edward Teller. For more than 15 years, Teller, chief architect of the hydrogen bomb, has campaigned for "defensive" nuclear weapons, arguing that "The sword has been invented; now we must work on the shield."

Teller's shield is being crafted by his proteges at the Lawrence Livermore National Laboratory near San Francisco, one of America's three primary, government-financed nuclear weapons research labs, which he once headed. Last fall, a panel appointed to study beam weapons after Reagan's Star Wars speech of March 23 recommended a full-power Excalibur demonstration by 1988.

The X-ray laser is pumped by a neutron bomb, which vaporize the ends of solid-state lasing rods arrayed around the explosive. In the instant before the whole device is destroyed by the bomb, the rods emit pulses of concentrated X-rays which can—theoretically—zap targets thousands of miles away. Two scaled-down Excalibur experiments have already been conducted since 1980 in

underground vacuum chambers at the Nevada nuclear proving ground.

The usual cast of experts, both inside and outside of the official nuclear weapons community, is typically divided over whether most of these third-generation programs will even pan out.

The Senate Armed Services Committee waxed enthusiastic in a recent report, stating that it "is especially intrigued with emerging new concepts involving the so-called 'third generation' of weapons [and directs] that the Department [of Defense] develop a deliberate, multiyear program to exploit these concepts." Not everyone in Congress is quite so upbeat. A House-Senate conference committee approved $22 million in 1984 for third-generation work, only half the $50 million earmarked in the Senate authorization bill.

Regardless of whether the third generation ever comes fully of age, simply researching it fulfills two important objectives for the Department of Energy: one psychological, the other political.

The former goal has been articulated by the Pentagon's Wagner. "The final reason for accelerating advanced technology in the DOE program," he told a Congressional subcommittee last spring, "relates to what I call keeping the Soviets in a deterred frame of mind. What it comes down to in the end is for us to keep their image of themselves inferior to their image of us, so that if a crisis comes along, they will have a gut feeling that they won't be able to measure up against us."

Of more direct utility for DOE and the weapons laboratories has been the role played by the promise of a revolutionary new generation of weapons in forestalling a comprehensive test ban, which by prohibiting all nuclear explosions would cripple further weapons research. In 1979, as negotiations on a comprehensive test ban neared completion, the director of the Lawrence Livermore lab and his counterpart at the Los Alamos National Laboratory met with President Carter and urged him not to introduce the treaty—as indeed he did not. Reportedly, their arguments were based on the need to develop the coming generation of nuclear weapons.

DOE takes the threat of a test ban—or, as Hoover has it, a "unilateral technological lobotomy"—no less seriously than it does the threat of an unfavorable Soviet "image ratio." DOE's proposed solution to the test-ban threat is inertial confinement fusion. Because it in effect detonates miniature hydrogen bombs in the laboratory, which cannot be detected by the usual verification methods, it has to be permitted.

The inertial confinement fusion concept is relatively simple. A tiny pellet filled with deuterium-tritium gas is uniformly bombarded with powerful lasers. Under ideal conditions, a thermonuclear explosion with a yield of about 100 tons results.

Physicists pursuing parallel experiments at labs around the country are confident of achieving thermonuclear ignition within five to 10 years.

Although the fusion concept has long-term potential for civilian energy production, the program is now devoted solely to realizing its near-term military potential.

The word "progress" has as many definitions as there are societal forces that would impede or accelerate the relentless momentum of 20th-Century technology. The nuclear weapons community's concept of progress was tellingly encapsulated in the April, 1982, Congressional testimony by George Dacey, president of Sandia National Laboratories in Albuquerque, N.M.

Asked his views on the nuclear freeze, Dacey replied: "If you mean by 'freeze' that you intend to stop thinking, to stop considering what the weapon possibilities are, what modern warfare can, in fact, become, then I think you are taking a dangerous risk with this country's security. From a technical standpoint I think there are enormous possibilities for improvement ahead. We do need to make it clear that such progress is in the public interest and that we should charge on at full speed."

NINETEEN HUNDRED AND EIGHTY-FOUR, THE YEAR OF GEORGE ORWELL: THE YEAR TO RATIFY THE GENOCIDE TREATY

Mr. PROXMIRE. Mr. President, in 1948 George Orwell casually reversed the numbers of the year in which he wrote his most famous book. In doing so, he defined our decade and stirred contemporary historians to paroxysms of conjecture and self-examination. His literary vision of the ultimate totalitarian state, a rigid hierarchy preserved through torture and lies, has become an international benchmark of sorts, a convenient epithet to hurl at rival nations whose internal civil liberties all too often fail to meet global standards.

The impact of Orwell's thought is thus obscured, for too often the criticisms borne of this frightening book are bandied about indiscriminantly by zealots of all political stripes, for purposes devoid of a real concern for human rights. Indeed, even the Soviet Union has recently embraced "1984," distorting its message and clumsily disguising it as a critique of the West.

Orwell's trenchant world view needs to be restored, his noble intentions redefined and clarified. For Orwell was first and foremost a humanitarian, a defender of the dignity and rights of all mankind. His concern was not with ideology and public policy but with the effects of war and peace, state and society, on the daily lives of a country's inhabitants.

Orwell decried the will of the international community to disbelieve and ignore injustices and cruelty, man's inhumanity to man. He wrote:

> A thing that has struck one in recent years is that the most enormous crimes and disasters—purges, deportations, massacres, famines, imprisonment without trial, aggressive wars and broken treaties—not only fail to excite the big public, but can actually escape notice altogether, so long as they do not happen to fit in with the political mood of the moment.

The real tragedy is that the crimes described in 1984 and in the above quote do occur daily, worldwide, regardless of this country's political mood. The 20th century has witnessed unprecedented savagery among men, ignoring the repeated optimistic pronouncements of international social progress.

In recognition of this, the U.N. General Assembly in 1946 drafted the Genocide Convention, declaring the murder of a racial, ethnic, or religious group a crime punishable under international law. Yet despite our demonstrated commitment to human rights, the United States has not ratified this important document.

I urge my colleagues to heed the message of George Orwell: Let us discard the paralyzing vagaries of political moods and our shameful unwillingness to face the tragic realities of countless international human rights violations. Let us join together and give our advice and consent to ratification of the Genocide Convention.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I do not know of anything else to do at this time. I am told that it may be close to 1 o'clock before we are prepared to go to the next item of business, which perhaps will be the habeas corpus bill.

Rather than keep us in morning business, since there appear to be no takers for morning business at the moment, I will inquire of the minority leader if he has any requirement for time. If he does not, I will ask the Senate to stand in recess. But while I check that out, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

RECESS UNTIL 1 P.M.

Mr. BAKER. Mr. President, I understand from the distinguished acting minority leader that there is no objection to placing the Senate in recess, and I propose that it be until 1 o'clock, if there is no objection. I note from the nod of the head that there is not.

Therefore, I ask unanimous consent that the Senate now stand in recess until 1 p.m. today.

There being no objection, the Senate, at 12:14 p.m., recessed until 1 p.m.; whereupon, the Senate reassem-

bled when called to order by the Presiding Officer (Mr. HUMPHREY).

ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I now ask unanimous consent that there be a period for the transaction of routine morning business not to extend beyond 1:30 p.m. during which Senators may speak therein for not to exceed 5 minutes each.

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

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

FREEZE, UNCLE SAM!—HOW TO REDUCE THE I O U'S

Mr. HELMS. Mr. President, I hope Senators will take the time to read the text of an address by a distinguished North Carolinian, John G. Medlin, Jr., president of Wachovia Bank & Trust Co. At the conclusion of my remarks, I will ask unanimous consent that the text of this splendid address be printed in the RECORD.

Also, I shall include in the RECORD a column by Rolfe Neill, publisher of the Charlotte (N.C.) Observer, and one by Nick Poulos of the Atlanta (Ga.) Constitution. Both Mr. Neill and Mr. Poulos assess the recommendations made by Mr. Medlin.

I shall not relate Mr. Medlin's point except to say that he not only advocates a freeze in Federal spending—he warns of the consequences if it is not done.

I reiterate my hope that Senators and others will carefully assess Mr. Medlin's advice. He is giving us fair warning.

So, with that, Mr. President, I ask unanimous consent that Mr. Medlin's address, and the columns by Mr. Neill and Mr. Poulos be printed in the RECORD.

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

AN ECONOMIC PERSPECTIVE

(By John G. Medlin, Jr.)

Today, I will present an economic perspective rather than provide an economic forecast as was suggested to me. This is not an attempt to be evasive, but simply an indication that I don't have much confidence anymore in economic forecasts, including mine. The economies of the nation and world are more vulnerable than usual to financial shocks and to abrupt psychological shifts or political developments which could cause the outlook to change quickly for better or worse.

Despite this special contingency and the usual difficulty in forecasting the unpredictable behavior of people and politicians, one can probably feel the greatest sense of confidence in some time about the economic prospects for 1984. It seems reasonable to expect the recovery and expansion cycle currently under way to continue through this year, and possibly longer. This is conditioned, of course, on there being no bad surprises on the domestic or international scene.

The economy should grow at a healthy rate in 1984, although the pace is likely to slow and vary somewhat. The expansion should become more broad based with housing, automobiles, and retail sales remaining good. Industrial production should continue to increase, and capital spending should accelerate. The unemployment rate should edge downward, and real personal income should rise. Price inflation should stay relatively subdued, but will probably creep upward during the year.

Interest rates are likely to fluctuate on an uneven course as market psychology vacillates between optimism and pessimism. Money costs could soften at times in the first half but are likely to remain relatively high due to anxieties about the federal deficit, inflationary expectations, and the international situation. Growing competition between Treasury and private credit demands may give rates an upward bias after the middle part of the year. A reduction or reversal of the large foreign capital inflows could also put pressures on domestic money markets at any time.

While it is possible that elevated interest rates or other adverse factors could soon derail the expansion, the odds seem to favor the optimists over the near term. On balance, the economy for 1984 is more likely to be fairly typical of the second year in previous post-World War II recoveries. It would be nice if I could stop at this point and let you get back to the office early. However, celebration and relaxation are premature. The major problems of the economy in recent years have not been solved, but only temporarily moderated and obscured.

It should be noted that the recovery has been caused more by transitory short-term influences than by enduring long-term fundamentals. Most of the improvement during the past year can be attributed to highly stimulative budget deficits of $111 billion for 1982 and $196 billion in 1983 and to strong money supply growth on the order of 13 percent from June of 1982 until last summer. Monetary policy downshifted to a basically accommodative stance once the recovery was established, but fiscal policy remains excessive and potentially inflationary.

Americans have become too enamoured with quick fixes. There is too much obsession with short-term statistics and not enough concern for long-term trends. Some may have forgotten that excessive fiscal and monetary stimulation provided the breeding ground for earlier post-war recessions as well as recoveries. The favorable forecast for 1984 should not be viewed in isolation or allowed to cause complacency. Rather than talk just about the outlook for this year, it might be more important to review economic prospects in longer perspective.

Private enterprise and individual initiative were largely responsible for America's phenomenal first 150 years of economic and social progress and developed the muscle to protect personal freedom and national security. However, the people understandably got tired of the financial panics, depressions, and human adversities which accompanied laissez-faire economics and unbridled capitalism. With good intentions and considerable justification, many attempts have been made over time to remedy the real and imagined weaknesses of the free market system.

During the past 50 years, there has been an increasing inclination for government to intervene, often with desirable and beneficial short-term results, in an effort to solve the problems of the nation and to minimize the risks of personal and business life. Like narcotic drugs, such remedies can be quite effective in temporarily relieving and preventing pain. Similarly, they can also be addictive and deadly when used habitually or in overdose. There is growing evidence that too much public assistance and protection can eventually be as harmful as too little.

Enormous budget and trade deficits are among the manifestations of the increasing experimentation with social economics since the beginning of the Great Depression. Much of the time for the past 50 years, our nation has consumed more than it has produced and spent more than it has earned. The difference has been made up by excessive imports, borrowing, and money creation. Since 1933, the national debt has risen from $20 billion to $1.4 trillion. The amount owed by the U.S. Treasury has doubled in the past 6 years alone.

Government intervention and stimulation eventually brought supercharged growth and prosperity which proved to be somewhat illusory and temporary. Population and consumption grew at a faster pace than natural and financial resources could sustain without unpleasant side effects. In the late 1960's, the laws of nature and economics began to more noticeably punish the excessive behavior of politicians and people. The punishment eventually included runaway inflation, spiraling interest rates, painful unemployment, and a lower standard of living for many.

In the early 1980's, the nation and world suffered the worst economic experience since the 1930's. Joblessness and failures of businesses and financial institutions reached post-depression records. Imported goods displaced many domestic products and workers as basic industries such as steel and autos had difficulty competing overseas or surviving at home. Market forces overwhelmed government controls and caused turmoil in agriculture, finance, communications, and transportation. Some countries became unable to service external debt.

The damage wrought by the governmental excesses of the past half century is substantial and cannot be repaired overnight. The cumulative effects of three progressively severe business and money cycles since the late sixties have left the domestic and international economic and financial systems in a fragile and vulnerable state. The underpinnings have been weakened, and the ability to withstand stress has been diminished. The years immediately ahead are extremely crucial in determining whether strength and stability can be restored on a sustainable basis.

One cannot help wondering whether the nation is approaching the end of another historic boom-and-bust cycle. Those of the past have been climaxed by worse economic, social, and financial conditions than experienced in recent years. It remains to be seen whether a depression can be prevented by the government assistance and protection put in place during the 1930's and subsequent years. This will depend more than anything else on the willingness and ability of our political leaders to deal with the country's fiscal problems.

Despite what some say, the greatest risk is in projected federal deficits of around $200 billion as far as the eye can see. A slightly lower deficit of $180 to $190 billion is ex-

pected for 1984 as the recovery produces higher tax revenues and as lower unemployment moderates growth in public assistance expenditures. However, the structural or built-in deficit is currently well in excess of $100 billion, even assuming a full employment economy. This poses the real threat, somewhere along the way, of another inflation surge, interest rate spiral, and economic tailspin.

The interest bill alone on the national debt is now over $100 billion per year. Even if federal expenditures, excluding interest, were brought into balance with revenues, the national debt would still double to $2.8 trillion in 7 years with borrowing costs being added on and compounded at a rate of 10 percent. There will have to be substantial reductions in spending and/or increases in taxes to keep from having continuing and rising structural deficits of a magnitude that is dangerous indeed to our economic health.

Some would have you believe that the increase in the deficit over recent years has been caused by the Reagan Administration's tax cuts. In truth, taxes have not really been reduced as much as you might think but only stabilized and shifted around as to the point of collection. Twenty years ago, federal taxes represented about 19 percent to 20 percent of the Gross National Product, approximately the same proportion as last year. The tax relief served only the worthy purpose of keeping the percentage from being much higher due to bracket creep.

The real problem is on the spending side. Twenty years ago, federal expenditures were around 20 percent of the Gross National Product, just slightly higher than taxes. In 1983, federal spending was around 26 percent of GNP. The substantial increase over time is largely in social programs and not in national defense, which represents a smaller percentage than in the early sixties. The growth of social spending is not so much for basic needs of the truly disadvantaged as for excessive subsidization of people quite able to care for themselves.

Financing of the federal deficit, representing 6 percent of GNP, by private savings, totaling only 7 percent of GNP, was made easier in 1983 soft commercial loan demand. Help was provided by heavy foreign capital inflows resulting from low inflation, high real interest rates, and a strong dollar. Savers and foreigners may be able to fund the deficit for a while longer without much strain. However, financial market pressures will grow as stronger business borrowing increases competition for private savings and as foreign money inflow is moderated or reversed by rising inflation, an enlarged trade deficit, and an inevitably softer dollar.

Because of deposit deregulation and international debt problems, the finanical systems at home and abroad are more exposed than before to a rise in money costs. Foreigners can cause serious disruption anytime they choose to dump the dollar. As market pressures develop and intensify, the Federal Reserve may be compelled to relax monetary policy to calm the waters. Eventually, the money growth necessary at the same time to finance federal deficits, accommodate economic expansion, and restrain interest rates will fuel inflation and cause rates to escalate anyway.

This is the catch-22 dilemma facing our nation, and a solution may not wait for the fall elections. The potential for crisis will grow with further procrastination. Raising taxes will not solve the problem, and efforts at spending cuts of the size needed are doomed to failure. A more politically realistic approach would be an across-the-board freeze, including defense, of 1985 budgeted spending at 1984 levels. This simple action would lower next year's deficit by over $70 billion, avoid cuts for anyone, weaken accusations of inequity, and blunt attacks by interest groups.

The courageous enactment of a spending freeze would help alleviate the skepticism about fiscal restraint, reduce interest rates, and sustain economic progress. The favorable effects on the economy and financial markets would make a greater contribution to national security than the proposed 1985 increase in defense spending. All agencies and departments of government would have to reduce waste, inefficiency, and unnecessary personnel in order to maintain essential services and give any pay increases. I suspect most Americans would enthusiastically support a spending freeze, but it probably would not be greeted warmly in the Washington bureaucracy.

Unfortunately, the experience of the past raises serious doubts as to whether the necessary spending control is possible or probable in our democracy, which is so dominated by political expediency and special interests. This is a sad commentary on our citizenship and leadership. Little real progress toward fiscal sanity can be expected until the voters make stronger and more urgent demands of elected officials. Meantime, the Federal Reserve will have the lonely and impossible mission of simultaneously restraining inflation, moderating interest rates, and sustaining recovery.

Except for these assessments of risks and possibilities based on historical experience and fundamental forces, it is difficult to guess what might lie ahead for the economy and money markets in 1984 and beyond. There are many unknowns with potentially major impact, such as the outcome of this year's congressional and presidential elections. Campaign rhetoric and posturing could at times be unsettling to the markets. A change in leadership or a shift in the delicate balance of political power could heighten financial anxiety and economic uncertainty.

Also, one cannot ignore the instablity and stresss overseas. A breakdown of the fragile arrangements to avoid default on the enormous debt of Latin American countries could seriously disrupt international trade and finance. The unrest and brush fires in volatile less-developed nations will grow with further austerity and declines in an already low standard of living. The seemingly perpetual and insoluble turmoil in the Middle East heightens the always ominous risk of an interruption in the flow of oil from the world's largest supplier and a direct confrontation between American and Soviet forces.

Like it or not, our country has inherited the role as the world's banker and policeman. Only the United States is capable of defending freedom. It is also the main engine which pulls the global economy. To ignore and shirk these responsibilities will in the long run hurt America as much as or more than anyone else. World order is more likely to be maintained and military conflict restrained if financial stability can be restored and economic growth sustained. Another roller coaster business and money cycle in the next few years can only produce disastrous results at home and abroad.

To review, 1984 should be a good year. However, you should not let recovery give you a false sense of security about the years beyond. There is likely to still be a risky and unforgiving climate which disciplines and punishes imprudent and excessive behavior. The horizon is clouded by the risk that there will again be a gradual unfolding of developments which eventually lead to another period of severe economic and financial turbulence. No lesser authority than Paul Volcker himself recently described the deficit as "a time bomb with the fuse lit."

If you share my concern, you can do something about it. You can write your President, Senators, and Congressman and ask them to freeze spending. You can support candidates with a realistic balance of fiscal sensibility and human sensitivity. However, little meaningful progress can be expected until more people are willing to make some personal sacrifices and to accept less from their favorite federal subsidy. The nation has an indisputable duty to meet the basic needs of the truly disadvantaged, but it cannot afford to provide luxuries to many others.

Even with its problems, the United States remains the best place in the world to live, work, and do business. You don't find anyone trying to escape, but there are many trying to enter this bastion of human rights and land of economic opportunity. Despite the tendency to often place political and special interests ahead of the public interest, our democracy is still the best form of government yet devised by man. But its effective functioning and durability are at risk unless more people fulfill the responsibilities as well as enjoy the privileges of citizenship.

The period ahead could be pivotal in determining whether the fortunes of the nation and world turn toward the better or the worse. To improve the future chances for peace and prosperity, it is crucial to prove that our fiscal problems can still be solved; to show that our diverse country can still be governed; and to demonstrate that our inseparable partnership of political democracy, private enterprise, and personal freedom can still work. As in the past, perhaps Americans will arise and unite in time to prevent disaster. I hope it will not take another Great Depression to awaken them or a nuclear Pearl Harbor to unify them.

[From the Charlotte Observer, Jan. 29, 1984]

FREEZE, UNCLE SAM! HOW TO REDUCE THE IOU'S

(By Rolfe Neill, Publisher)

That star-spangled joint session of Congress, and the nation, would have been better served Wednesday night had it listened to President John G. Medlin Jr. instead of President Reagan.

President Medlin?

Yes, the man who runs Wachovia Bank, headquartered in Winston-Salem. He could have delivered the commonsense speech he made earlier this month to the Charlotte Rotary Club about America's financial troubles and how to get out of them. (Excerpts are on the front of today's Perspective Section.)

President Reagan proposed nothing except a device for coopting Democratic candidates' criticism of the incredible stack of IOU's enlarged under his presidency, most of them not of his making. Still, had the polls been open Thursday morning I believe R. Reagan would have buried all eight would-be Democratic presidents.

POTOMAC SOBER-UPPER

President Medlin has a proposal as sobering as a January dip in the Potomac River:

An across-the-board freeze, including defense, of 1985 budgeted spending at 1984 levels.

Medlin calculates this would save a minimum of $70 billion, "avoid cuts for anyone, weaken accusations of inequity and blunt attacks by interest groups."

As a man who rents money for one price and lends it for a higher rate, banker Medlin is a pragmatic fellow. He has applied that knowing eye to Congress and concluded that the elected representatives have no stomach for doing the right thing when it comes to setting our financial house in order.

The beauty of his freeze plan is that everyone suffers equally. Meanwhile, legislators don't have to scramble for cover.

President Reagan's Social Security Commission achieved its recommendations utilizing the same theory. Nearly decapitated when he proposed obviously needed Social Security financing reforms, the president circled back to the problem by means of a commission. This enabled Congress to point the finger at the commission and no one on Capitol Hill had to fear voter anger.

ONLY A BEGINNING

The Medlin proposal is a good beginning, but merely that. How do we get out of the deficit? Even more, how do we begin to reduce the existing trillion-plus dollar debt?

Mr. Reagan mentioned again in his State of the Union address a constitutional amendment to require a balanced budget. He cited that many states have this requirement. Ours is one of them. We saw the effect of that balanced budget requirement last year when Gov. Hunt ordered freezes in wages as well as spending reductions when taxes failed to come in at the rate expected.

As a consequence, not a penny of interest will be paid by the State of North Carolina for money borrowed because we lived beyond our income. As far as I know, no one died because of budgetary delays, either.

I'm skittish about the federal balanced budget amendment for two reasons:

1. There are years, such as recessionary ones, when a nation's budget may prudently dip into the red.

2. Having watched Congress, I'm convinced they would find a way around its language just as they now routinely violate their own budget-making restrictions.

WILL TAKE 30 YEARS

We get out of this mess by deciding as a people we are going to balance our budget, say, within the next four or five years and then begin a systematic reduction of the debt. The latter step will take 25 or 30 years but could be done.

We have just passed through a wracking recession. Yet, the prime rate is stuck at 11%. Every indicator that might hold down interest rates going the other way, so a rate increase later this year is inevitable. This will push up inflation's rate, too.

Help! But of course there is none, except that which we provide ourselves. Legislators will listen, but only if the demand for less exceeds the shout for more. Our side is losing.

There is no one to pay the bills but you. As long as you okay them—by silence—those IOU's will continue to be piled up by Congress. Is this what you want? Is this your inheritance to your children and grandchildren?

Thank you, Mr. President—President Medlin, this is.

[From the Atlantic Constitution, Jan. 26, 1984]

N.C. BANKER URGES A SPENDING FREEZE

(By Nick Poulos)

John G. Medlin Jr., president of Wachovia Bank and Trust Co. of Winston-Salem, N.C., proposes what he believes to be a simple and politically acceptable way to address the nagging budget deficit problem.

With projected deficits of around $200 billion "as far as the eye can see," Medlin advocates an across-the-board freeze of 1985 budgeted spending—including funds earmarked for defense—at 1984 levels.

This would lower the 1985 budget deficit by more than $70 billion and avoid cuts for anyone, weaken accusations of inequity, and blunt attacks by special interest groups, the banker asserts.

Raising taxes won't solve the problem and efforts to make spending cuts of the magnitude required are doomed to failure, he adds.

"A spending freeze would reduce interest rates immediately and sustain economic progress for several years," Medlin avers.

Interest rates must come down if the economic recovery is to continue on a sound basis, he asserts. For example, mortgage rates should be around 10 percent and the prime, or basic bank lending rate, about 8 percent, he said.

POTENTIAL FOR CRISIS

Medlin warns that the problem should not await the presidential election, that the potential for a financial crisis will grow with further procrastination.

Financial systems both here and abroad are more vulnerable than before to rising interests costs, the banker emphasizes. Foreigners, he notes, could cause serious disruptions if they choose to dump the overvalued dollar.

Medlin doesn't buy the argument that the big budget deficits will simply melt away as government revenues swell with the economic recovery.

Medlin notes that the structural, or built-in defict, is more than $10 billion, even assuming a full-employment economy. This poses the threat somewhere along the line of another inflationary, and interest-rate, surge culminating in an economic tailspin, he warns.

Although the spending freeze is simple in concept and execution, Medlin harbors no illusions regarding the difficulty of effecting such action.

"I believe most Americans would enthusiastically support a spending freeze, but it probably would not be greeted warmly by the Washington bureaucracy," he said.

No real progress toward fiscal sanity can be achieved until the voters make stronger and more urgent demands upon their political representatives, the banker emphasizes.

FED'S "IMPOSSIBLE MISSION"

In the meantime, he notes, the Federal Reserve Board is stuck with the "lonely and impossible mission" of simultaneously restraining inflation, moderating interest rates, and sustaining recovery.

Medlin acknowledges that a spending freeze would be only an initial step in the effort to solve the deficit problem.

Medlin would couple a spending freeze with implementation of many of the suggestions made by the President's Private Sector Survey on Cost Control. The study highlights 2,287 cost-cutting suggestions which it claims could save more than $400 billion in federal spending over the next three years.

In addition, Medlin said he supports the idea of a constitutional amendment that would require a balanced budget and a limit on spending.

However, Medlin notes that it would take several years before such an amendment could be enacted.

"We've got to get moving on the problem now," Medlin concludes. "We can't wait until after the presidential election. We're running out of time. It's a risky game we're playing by procrastinating. As Paul Volcker has observed, the deficit is a 'time bomb with the fuse lit.' "

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I had hoped we could be on the next bill, which will be habeas corpus, by now. But the people principally involved in the debate are not here. Therefore, I think there is no practical alternative except to wait.

Mr. President, I ask unanimous consent that the time for the transaction of routine morning business be extended until 2 o'clock under the same terms and conditions.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

CONCLUSION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

REFORM OF FEDERAL INTERVENTION IN STATE PROCEEDINGS ACT

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, I have conferred with the minority leader who indicates to me that he has no objection to proceeding to the consideration of Calendar 354, S. 1763, which is the so-called habeas corpus bill. The bill will be managed on this side by

the distinguished chairman of the Judiciary Committee, Senator THURMOND. I understand Senator BAUCUS on this side will manage for the minority.

Based on that, I believe we are prepared now to proceed, and I ask unanimous consent that the Chair lay before the Senate Calendar Order 354, S. 1763.

The PRESIDING OFFICER. Without objection, it is so ordered. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1763) to reform procedures for collateral review of criminal judgments, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the pending bill—S. 1763—may well be one of the most important measures to be considered by the Senate this Congress. It is designated to ameliorate the heavy burden imposed on Federal and State courts and our Federal system of government by the repetitive, and usually frivolous, resort to collateral attacks in the nature of habeas corpus on criminal convictions. While the bill seeks to enhance the finality of Federal criminal convictions, it is the quasi-appellate habeas corpus jurisdiction of the lower Federal courts over State criminal judgments that has primarily given rise to the problems with which the bill is concerned. The shortcomings of the present system are aptly summarized in a treatise on Federal procedure, cited in the committee report as follows:

The most controversial and friction-producing issue in the relation between the federal courts and the states is federal habeas corpus for state prisoners. Commentators are critical of its present scope, federal judges are unhappy at the burden of thousands of mostly frivolous petitions, state courts resent having their decisions reexamined by a single federal district judge, and the Supreme Court in recent terms has shown a strong inclination to limit its availability. Meanwhile, prisoners thrive on it as a form of occupational therapy and for a few it serves as a means of redressing constitutional violations.

The committee report documents from hearings and other sources the dissatisfaction of Federal and State officials, including judges, prosecuting attorneys, and attorneys general, with the present operation of the Federal habeas corpus statute. Their view—and the committee's view—is that current Federal habeas corpus is unsatisfactory on grounds of federalism, proper regard for the independent stature of the State courts, the need for finality in criminal adjudication, and conservation of limited criminal justice resources. I urge my colleagues to review the committee report—and, if possible, the hearings—on this subject. I am convinced that such a review would persuade a substantial majority of the Senate to join me in passing this important measure.

I ask unanimous consent that a summary of the provisions of S. 1763 be printed in the RECORD at this point.

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

S. 1736. REFORM OF FEDERAL INTERVENTION IN STATE PROCEEDINGS

SUMMARY OF THE BILL

The bill would amend various provisions of title 28, United States Code, and a related Rule of Appellate Procedure, concerning the availability of collateral relief in the federal courts of State and federal prisoners. Among the matters addressed by these amendments are the standard of review in habeas corpus proceedings, the effect of procedural defaults on the subsequent availability of collateral relief, the time within which collateral relief may be sought, the requirement of exhaustion of state remedies, and the procedure on appeal in collateral proceedings.

Section 2 of the bill would add two new subsections to section 2244 title 28, United States Code. Proposed section 2244(d) relates to the effect of a State prisoner's failure to raise a claim properly in State proceedings on the subsequent availability of federal habeas corpus. Proposed subsection (d)(1) of section 2244 sets out a general standard under which such a procedural default would bar access to federal habeas corpus unless it was the result of State action in violation of federal law. The main practical significance of this standard is that attorney error or misjudgment in failing to raise a claim properly would excuse a procedural default if it amounted to constitutionally ineffective assistance of counsel, since in such a case the default would be the result of the State's failure, in violation of the Sixth Amendment, to afford the defendant effective assistance of counsel. *See Cuyler* v. *Sullivan*, 446 U.S. 335, 342-45 (1980). But lesser degrees of attorney error or misjudgment would not excuse a default. This would adopt as the uniform rule the approach of the Second Circuit Court of Appeals in the case of *Indiviglio* v. *United States*, 612 F. 2d 624, 631 (1979), eliminating the great uncertainties that currently exist in this area. Proposed section 2244(d)-(2)-(3) further provides for excuse of a procedural default where a claim raised in a habeas corpus proceeding asserts a new, retroactive right subsequently recognized by the Supreme Court, or where the factual predicate of the claim could not have been discovered prior to the default through the exercise of reasonable diligence.

Proposed new section 2244(e) would establish a one-year time limit on application for federal habeas corpus, normally commencing at the time State remedies are exhausted. This would provide State defendants with ample time to seek federal review following the conclusion of State proceedings, but would avoid the acute difficulties of proof that currently arise when Federal habeas corpus is sought by a prisoner years or decades after the State trial. The proposed limitation rule may be compared to various existing time limits on seeking review or re-opening of criminal judgements in the federal courts, such as the normal ten day limit on appeal by federal defendants under Fed. R. App. P. (4); the normal ninety day limit on a State defendant's application for direct review in the Supreme Court under Sup. Ct. R. 11, 22; and the two year limit on motions for new trials based on newly discovered evidence under Fed. R. Crim. P. 33. Proposed section 2244(e) further provides for deferral of the start of the limitation period in appropriate cases, such as assertion of newly recognized rights or newly discovered claims.

Section 3 of the bill would amend section 2253 of title 28, United States Code, so as to vest in the judges of the courts of appeals exclusive authority to issue certificates of probable cause for appeal in habeas corpus proceedings. It would also create an identical certificate requirement for appeals by federal prisoners in collateral relief proceedings pursuant to section 2255 of title 28, United States Code. This would implement recommendations of Judge Henry Friendly of the Second Circuit Court of Appeals. *See* Friendly, *Is Innocence Irrelevant? Collateral Attack on Criminal Judgments*, 38 U. Chi. L. Rev. 142, 144 n. 9 (1970). The reform would correct inefficiencies of the current system under which an appellate court is obliged to hear an appeal on a district court's certification, though it may believe that the certificate was improvidently granted, and under which a prisoner is afforded duplicative opportunities to persuade first a district judge and then an appellate judge that an appeal is warranted. Section 4 of the bill would amend Fed. R. App. P. 22 to conform it to the amendments of section 603.

Section 5 of the bill would make various changes in Section 2254 of title 28, United States Code. Section 5(a) would amend current section 2254(b) to clarify that a habeas corpus petition can be denied on the merits notwithstanding the petitioner's failure to exhaust State remedies. This would implement a recommendation of Professor David Shapiro. *See* Shapiro, *Federal Habeas Corpus: A Study in Massachusetts*, 87 Harv. L. Rev. 321, 358-59 (1973). It would avoid the waste of State and federal resources that presently results when a prisoner presenting a hopeless petition is sent back to the State courts to exhaust State remedies.

Section 5(b) of the bill would add a new subsection (d) to section 2254, United States Code. Proposed subjection (d) would accord deference to the result of full and fair State adjudications. This would establish a standard similar to that stated by the Supreme Court in the case of *Ex Parte Hawk*, 321 U.S. 114, 118 (1944), prior to the unexplained substitution of the current rules of mandatory re-adjudication by the decision in *Brown* v. *Allen*, 344 U.S. 443 (1953). To full and fair in the intended sense the State court determination must be reasonable, and must be arrived at by procedures consistent with applicable federal law, including the constitutional requirement of due process. In addition, re-adjudication by the federal habeas court would be allowed in cases in which new evidence of substantial importance came to light or a retroactive change of law of substantial importance occurred after the State proceedings. The general sense of the proposed reform is that reversal of a State conviction after a lapse of years and affirmance by the appellate courts of the State should rest on a finding by the habeas court of a significant error or deficiency in the State proceedings. A mere reasonable difference of opinion in a case in which the proper disposition is unclear should not be grounds for disturbing a State judgment in a habeas corpus proceeding.

31-059 O-87-15 (Pt. 2)

Section 5(c) of the bill would simplify current section 2254(d), which is verbose, confusing, and obscure; redesignate it as section 2254(e); and bring its formulation into conformity with that of proposed new section 2254(d). The provision would be of minor practical significance, coming into play only when the general standard governing deference to State determinations in proposed new section 2254(d) was found by the habeas court to be unsatisfied.

Section 6 of the bill would amend section 2255, 28 United States Code. It would carry out reforms in the collateral remedy for federal prisoners comparable to the rule proposed in section 2 of the bill governing excuse of procedural defaults and time limitation in habeas corpus proceedings.

Mr. THURMOND. Mr. President, I have a letter addressed to all U.S. Senators from the National Association of Attorneys General:

We are informed that you will soon have an opportunity to vote on S. 1763, the Habeas Corpus reform bill, and urge you to vote for it without amendments. It contains provisions which will make vital improvements in the habeas corpus system which now all too frequently results in needlessly delaying the finality of constitutionally sound criminal judgments.

Florida Attorney General Jim Smith has spearheaded the interest of Attorneys General in this subject which is reflected in several resolutions adopted by the Association, including this one adopted in June, 1981 and directed toward S. 1763's predecessor, S. 653 of the 97th Congress:

Whereas one of the principal weaknesses in the criminal justice system today is its lack of certainty and finality; and

Whereas crime rates continue to rise and public confidence in the criminal justice system is at a low point nationally; and

Whereas certainty and swiftness of justice is universally accepted as the strongest deterrent to criminal activity; and

Whereas the diminishing ability of the states to carry out the judgments of their criminal courts has led to erosion of certainty; and

Whereas some of the commendable procedural safeguards attached to the writ of habeas corpus in recent years are being abused, and have become instruments with which to frustrate justice rather than to secure it; and

Whereas on June 10, 1980, the National Association of Attorneys General requested Congress to adopt changes to habeas corpus procedures to require that claims be timely and orderly presented; and

Whereas these changes have been proposed as legislation contained in S. 653 and H.R. 3416;

Now, therefore, be it resolved by the National Association of Attorneys General that:

1. Amendments to the Federal criminal code contained in S. 653 and H.R. 3416 relating to habeas corpus proceedings are necessary to require orderly and timely presentation of claims on behalf of defendants and to restore finality to the criminal process and proper respect for state court factual determinations; and

2. The Congress of the United States is hereby petitioned by the assembled State Attorneys General to amend the Federal Criminal Code as proposed in S. 653 and the companion House bill, H.R. 3416; and

3. The General Counsel of the Association is authorized to transmit these views to the Congress and to the appropriate officials of the Administration.

If we can be helpful to you in any way during your deliberations and debates of the bill, we would be grateful for the opportunity to provide any assistance you may require.

Sincerely and respectfully,

C. RAYMOND MARVIN.

Mr. Marvin is the executive director and general counsel of the National Association of Attorneys General.

Mr. LAXALT. Mr. President, the Constitution does not require Congress to vest habeas corpus jurisdiction or any other jurisdiction in the Federal courts. Congress first extended the habeas corpus jurisdiction of Federal courts to State prisoners in 1867 during Reconstruction, a period of great congressional distrust of the governments and courts of the Southern States. The Federal writ was intended to issue only if the State court committing the prisoner had jurisdiction to do so. But beginning in the 1920's, the Federal courts steadily expanded the scope of Federal habeas jurisdiction until, by 1942, the writ was held to be appropriate in those cases where the State conviction has been in disregard of the constitutional rights of the accused, and where the writ is the only effective means of preserving his rights. The scope of Federal jurisdiction was broadest from 1953 to the mid-1970's. Since then, the Supreme Court has been restricting the jurisdiction. While Congress need not follow the holdings of the Supreme Court, the present legislation does reflect several recent Supreme Court opinions.

Two problems, one of numbers and one of principle, exist today. Concerning numbers, State prisoners filed 8,059 petitions for habeas corpus in the Federal courts in the year ending June 30, 1982. Very few of these (perhaps 170) resulted in evidentiary hearings—that is, the great bulk of them were frivolous or without merit. While opponents of reform point to the small number of hearings and argue that habeas actions are obviously not clogging the Federal courts, their argument overlooks the fact that each petition must be responded to by State attorneys and reviewed by Federal judges. The few hearings and even fewer number of petitions granted by the courts support the counterargument that current Federal jurisdiction over State prisoners is an expensive, time-consuming luxury that seldom results in the correction of a miscarriage of justice.

More important than the numbers problem, however, is the need to correct the faulty rationale which supports the broad present scope of Federal jurisdiction. That reasoning is premised upon the belief that State courts and State judges are inferior to Federal judges and are not to be trusted as guardians of Federal and constitutional rights. Therefore, State criminal defendants are thought to need the Federal judiciary to give a second opinion, even where the State supreme court and the U.S. Supreme Court have affirmed a conviction and the collateral review proceedings of the State have been exhausted. This argument is patently unsound. All judges, Federal and State, swear to uphold the Constitution and the rights it guarantees. It is a direct affront to the States and a violation of the principle of federalism upon which our system of justice is founded.

The argument is also false because it assumes that the appropriate standard for criminal proceedings is perfection and not reasonable fairness. The result is that the finality which is necessary in all litigation—criminal and civil—is presently sacrificed to the belief that justice requires the courts to give defendants an unlimited number of opportunities to find a defect in their trials. And so the defendants file petition after petition in hopes that a Federal judge somewhere will order a new trial.

Therefore, I support this legislation to restrict Federal habeas corpus jurisdiction. This measure would serve to correct the false belief that we cannot trust State criminal justice systems to enforce constitutional rights. The bill will also result in tremendous savings in attorney and court time. While one might argue that the best solution would be to eliminate altogether the Federal jurisdiction over State prisoners, the present proposal is certainly a reasonable and constitutional alternative.

AMENDMENT NO. 2698

Mr. THURMOND. Mr. President, if there are no amendments to the bill, I wish to offer some technical amendments to S. 1763, which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from South Carolina (Mr. THURMOND) proposes an amendment numbered 2698.

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

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

The amendment is as follows:

TECHNICAL AMENDMENTS TO S. 1763

On page 1, line 4, delete "1983" and substitute "1984".

On page 4, line 17, delete "ro" and substitute "or".

On page 4, line 25, after "pursuant to" insert "section 2255 of title 28, United States Code,".

On page 7, line 19, after "moved" insert a comma.

Mr. THURMOND. Mr. President, I understand that the distinguished

Senator from Florida desires to speak in favor of this bill.

The PRESIDING OFFICER. Is there further debate on the amendment? Without objection, the amendment is agreed to.

The Senator from Florida.

Mr. CHILES. Mr. President, I am delighted to join Senator THURMOND and others to urge the passage of S. 1763, the Reform of Federal Intervention in State Proceedings Act of 1983.

This bill addressed the need for reform in the Federal habeas corpus law.

Mr. President, I think the reform in this area is very, very long overdue. A number of us in the Senate have been pressing for that for a number of years, and the proponents of this bill in the Senate are not the ones who initiated this pressing. It really has come up from the people and from the court system itself.

I think we should look back to get a little history on habeas corpus. It is a right of each U.S. citizen. It is a right that we have spoken to in the Constitution of the United States. We said that we would not do away with the right except in extreme emergencies when it would be necessary to do away with the right.

So I think we have to look back and see why was this right so important and why did our forefathers and the originators of the Constitution want to express themselves on it. Look back to the history of where the writ of habeas corpus came from to start with.

I understand that the Latin for habeas corpus itself is, produce the body. It goes back very much to our history of the common law and to the English usage. It was a time when a major abuse was taking place. The King would see fit to throw someone into jail, never press charges against that individual but leave him in detention. The writ of habeas corpus was one of the rights that the barons brought issue to the King about in the Magna Carta at Runnymede. They said this practice has to stop.

If someone is arrested he is entitled to know what charges are placed against him and he is entitled to be produced in a court of law so that those charges can be brought. You should not stick someone away in incarceration, in detention, in a prison, as it were, and not allow that person to be brought up for trial.

Mr. President, that is a hallowed right. That is a right that we want to recognize in this country.

But that is not the abuse that we are speaking to in this bill and we are not attempting to curb anything in regard to that right in the bill that is before us now.

What we are talking about is something that has arisen in the late 1900's, in the last 15 or 20 years. Basically, the abuses that came about was the use of the writ of habeas corpus after the trial, after the conviction, after the adjudication of the trial to cause there to be a review or a rehashing of the events that led up to that trial.

Mr. President, 50 years ago no one thought about using a writ of habeas corpus for that purpose. If you even look back 20 or 25 years ago, you will find it was used very sparingly for that particular purpose. And why? I think one reason is we have our regular appellate system. We have our due process in which you are entitled to take questions up on appeal. You can go up through your State court system. You can then even attempt to address those questions in the Federal court after the State court system.

Again this bill does nothing to that right, nothing to that due process change. But to use the writ in a post-conviction situation, that is what we are attempting to get at in this bill.

How are we trying to change it? Again we are not trying to do away with it entirely. But we are trying to codify it, if you will. We are trying to put some kind of a time limitation on it. We are trying to see that it does not completely change the whole system of due process as we have known it before, and that it does not work against the system of punishment being a deterrent to try to keep further crimes from occurring.

What we found are abuses and it is documented and the record is full of it from the hearings that we have held, from the numerous things that have been placed in the RECORD, and from the studies that have been made by the court systems themselves, by the associations of State attorneys general, by the U.S. Attorneys General, by everyone. Every group that has really looked at this question can cite the abuses in the time delays that have been taken where using the writ a person, who has been convicted and who has been given due process, is able to go back years after the offense occurred. By use of the writ, he can require the State court or the Federal court, if his case was prosecuted there, to prove again why he was convicted to start with. In many instances that means that they have to produce witnesses and evidence after 30 years. We have seen cases that have been brought that long ago. In some of those cases the witnesses could not be produced and we saw people turned loose. The court could not tell in those old cases whether the petition was valid or not because you have not been able to, in effect, reconvict him, been able to produce testimony to show that the issues that he raised are invalid.

We have seen one prisoner file multiple petitions over years of time questioning literally the same set of facts in different forums through using the writ of habeas corpus.

So time after time, after you had given him due process on one question, he moves simply to a different court on another question. We see things like this: A prisoner filing a writ of habeas corpus saying he was not properly represented at the trial court; counsel who was appointed for him was not proper. Now, if that takes place 10 to 15 years after the fact, if you cannot produce that lawyer, if you cannot prove the lawyer's competency, if he has gone to his reward or something, that prisoner might have to be released. But assuming that you win, that you are able to do that and you are able to show that competent counsel was appointed, Mr. President, we found the same prisoner then filing a writ of habeas corpus that the lawyer appointed to file his first writ was not competent and, therefore, he tests that issue. Then if you find against him on that, he files a writ that the lawyer appointed to file the second writ testing the first writ was not competent; and the Federal court has to sit down and hold a hearing on this.

We have found from the Federal courts that a major portion of their time, up to a third of the criminal practice time, has been taken in trying to address these writs of habeas corpus.

Mr. President, if everyone who is in jail can be filing these writs they are sort of in league with their fraternity that is outside because you cannot be even trying them on the first offense because we are taking up all of the court's time listening and answering these writs, holding hearings on these writs for the ones who have been incarcerated already.

We see that that is happening time after time and when, Mr. President, one of these people is released 30 years after the trial, not on the merits of the case itself but on one of these legal technicalities, on the basis that the State is unable to produce a witness because the sheriff of that county happens to be dead or happens to be gone or you cannot produce him. What do you think that does to the respect for law, to the moral fiber of the people? what does it do to the law enforcement people who were responsible for making that conviction to start with? What does that do for all of the other people who are determining whether we are going to be a government of laws or not?

So the purpose of this bill, Mr. President, is to try to address those glaring faults that have been raised by the Chief Justice of the Supreme Court and by many of the other Justices of the Supreme Court. They have been raised in law review articles across this land. They have been raised by the Association of State Attorneys General,

by the U.S. attorneys and by their respective groups across the country. They have been raised by many, many law enforcement people and certainly by others, who having watched this situation, see that we have something that just is not working. It is a total breakdown but, as I say, we do not want to do away with the writ. We simply want to reform it to where it conforms more to the purpose for which it is stated. We do not want to do away with due process, but due process has to work in a certain way. It has to work in a way in which everyone understands the rules of the game. In turn, it needs to be fair so that there is due process for the people whom we are attempting to protect by virtue of our criminal laws, by virtue of the fact that we have a sentencing procedure, and that we have a procedure by which we convict people. Finally, Mr. President, we are bringing this bill to the floor today, after 4 years that I know of, that the Senator from Florida has been trying to do something about this problem. We and a number of other people have been speaking on it year after year. Finally we are getting this matter before the people's elected body to simply try to redress these errors, these problems that we have, and to reform the habeas corpus law.

The loss of the respect of society because our system of justice is unable to punish a crime that has occurred, is one of the major faults that has to be corrected if we are going to address this problem. In the hands of skillful lawyers, in the hands of organized criminals, this present writ process and the abuses that can come under that process can tie up the appellate process for endless hours. It can take many, many hours of time that law enforcement officials, prosecutors, judges, and others should be able to otherwise use to attend to the public business. They should be able to attend to their business of trying to protect the public, but they are unable to do so because of the countless stream of appeals, the countless stream of writs that can come and then the appeal from the denying of these writs.

And that again, Mr. President, is something I forgot to speak to. When the writ is denied, then, of course, you can try to appeal the denying of the writ. And that again can tie up the process. This is something that we see certain prisoners using time after time after time and again tying up the entire process.

I am delighted we are seeing it addressed today. I am delighted to be a consponsor of the bill. I hope the Senate is going to work its will on this bill and that we will have passage. Then, Mr. President, I hope that we will be able to get the House to pay attention to this legislation and to take it up and do something about this legislation.

Mr. THURMOND. Mr. President, I wish to thank the able Senator from Florida for the statement he has made on this bill. For several years he and the distinguished Senator from Georgia (Mr. NUNN) have been very active in promoting this legislation. It is vital legislation. I just wanted to commend him for the remarks he has made.

Mr. President, I now yield to the distinguished Senator from Connecticut who has a statement to make.

Mr. WEICKER. I thank my distinguished colleague from South Carolina.

Mr. President, I rise in opposition to S. 1763, a bill which proposes substantive and procedural changes to Federal habeas corpus statutes.

The writ of habeas corpus was established by the founders of our Constitution to provide the opportunity for judicial review to any citizen who felt that he or she had been illegally detained or confined. Initially reserved for petitions from Federal prisoners, the privilege of the writ of habeas corpus in Federal courts was specifically extended to State prisoners by the act of February 5, 1867. Today, the provisions of that act are incorporated in the United States Code.

Mr. President, I am constrained to ask the question, why is this matter before us, why are we even considering limitations to this fundamental privilege? The committee report includes this sentence:

> Commentators are critical of its present scope and federal judges are unhappy at the burden of thousands of mostly frivolous petitions.

I daresay that habeas corpus petitions as a class are hardly frivolous. Some of the habeas corpus petitions filed are filed by State prisoners facing the death penalty. If, in the name of expediency, even one of these petitioners is inappropriately or unfairly sentenced to death, the cost of limiting habeas corpus is far too great. In his opinion on the Supreme Court case of Brown against Allen, Justice Frankfurter wrote:

> Experience may be summoned to support the belief that most claims in these attempts to obtain review of State convictions are without merit. Presumably they are adequately dealt with in the State courts.

But Justice Frankfurter goes on to say:

> The meritorious claims are few, but our procedures must ensure that those few claims are not stifled by undiscriminating generalities. The complexities of our federalism and the workings of a scheme of government involving the interplay of two governments, one of which is subject to limitations enforceable by the other, are not to be escaped by simple, rigid rules which, by avoiding some abuses, generate others.
>
> For surely it is an abuse to deal too casually and too lightly with rights guaranteed by the Federal Constitution, even though they involve limitations upon State power and may be invoked by those morally unworthy. Under the guise of fashioning a procedural rule, we are not justified in wiping out the practical efficacy of a jurisdiction conferred by Congress on the District courts. Rules which in effect treat all of these cases indiscriminately as frivolous do not fall far short of abolishing this head of jurisdiction.

Proponents of S. 1763 claim that the Federal courts are bogged down with Federal habeas corpus petitions and that this legislation will reduce the Federal courts' workload. According to the Administration Office of U.S. Courts, the total civil case filings in 1981 were 180,576. Of this number, 7,790 were habeas corpus petitions filed by State prisoners in Federal courts. These filings reflect a decrease from a decade earlier when 9,063 were filed in 1970 and 8,372 in 1971.

In 1981, 177,925 civil cases were terminated in Federal courts. Of these 7,302 were habeas corpus cases.

Habeas corpus matters constituted approximately 4 percent of all civil cases filed and terminated in Federal courts.

Of the total habeas cases tried, 158 took 1 day to try; 26 took 2 days; 10 took 3 days; and only 9 cases in the country took 4 days or longer.

I ask the supporters of this legislation, where is the horrendous burden this bill intends to relieve? These statistics, given me by the American Bar Association, do not establish a compelling need for the reforms this bill would put in place. I am not even sure the proposed reforms are much of a solution. If the pending bill becomes law, petitions will still be filed; State attorneys will still be required to respond accordingly and Federal courts will still have to determine whether a habeas corpus petition was "fully and fairly adjudicated" in the State court.

That is not the only burden this legislation must bear, Mr. President, as if that were not enough to give us serious pause. It is also subject to a number of serious constitutional challenges which should stop this exercise dead in its tracks.

By limiting the opportunities for Federal judicial review of habeas corpus petitions the changes proposed in S. 1763 pose a serious threat to a chief function of our Federal courts—that is, to protect the constitutional rights of its citizens. S. 1763 would require a Federal court reviewing a habeas corpus petition to accept the legal determination of a State court on a Federal constitutional issue, as long as the determination was "fully and fairly adjudicated." The proponents of this bill state that such a reform is "likely to make it possible to decide cases more easily and with less extensive litigation." S. 1763 proposes changes in the law in the name of efficiency. Efficiency, however, is certainly not the highest calling of our judi-

cial system. It is the mandate of our criminal justice system to strive for justice—not efficiency; not expediency. It is far more important to insure that Federal constitutional issues are reviewed by a Federal court, as the writ of habeas corpus provides, than it is to propose changes to the law which make it easier to decide a class of court cases.

As to the determination of whether or not a case has been fully and fairly adjudicated in a State court—I, again, quote Justice Frankfurter, who wrote:

> Vague, undefined directions permitting the District Court to give "consideration" to a prior State determination fall short of appropriate guidance for bringing to the surface the meritorious case. They may serve indiscriminately to preclude a hearing where one should have been granted, and yet this basis for denial may be so woven into the texture of the result that an improper deference to a State court treatment of a Constitutional issue cannot even be corrected on review * * * if left at large in disposing of applications for a Writ of Habeas Corpus, they (district judges) would necessarily be thrown back upon their individual judgments, and that would be the exercise not of law but of arbitrariness.

Mr. President, to deny an individual the opportunity for Federal review of his or her case based solely on an individual determination that a State adjudication was both "full and fair" would be "the exercise not of law but of arbitrariness."

Since Brown against Allen, the Supreme Court has determined that in certain special cases opportunity for habeas corpus petitions may be limited. For instance, in Stone against Powell, the Court did hold that if an individual has had the opportunity to litigate any fourth amendment claims on direct review, he or she may not petition for habeas corpus to litigate those claims in Federal courts. However, in a footnote of the majority opinion, the Court did state:

> We nevertheless afford broad habeas corpus relief, recognizing the need in a free society for an additional safeguard against compelling an innocent man to suffer an unconstitutional loss of liberty * * But in the case of a typical Fourth Amendment claim, asserted on collateral attack, a convicted defendant is usually asking society to redetermine an issue that has no bearing on the basic justice of his incarceration.

In this case and in other recent decisions, the Supreme Court has acted responsibly and within its jurisdiction to insure that the habeas corpus petition process may be used but not misused by petitioners. The Court has clearly demonstrated appropriate comity to State court proceedings. For the Congress to impose further limitations on habeas corpus procedures based on arbitrary determinations of a full and fair adjudication in a State court, does not appear to this Senator to be responsible, warranted, or wise.

The Senator from Montana will offer an amendment to S. 1763 which would delete the section of the bill which limits Federal judicial review of any claim that has previously been "fully and fairly adjudicated" in State court proceedings.

I agree with Senator BAUCUS when he says that the proposed reform "is inconsistent with the basic concepts of federalism and is potentially detrimental to individual constitutional rights." I intend to support the amendment offered by the Senator from Montana, and I encourage my colleagues to do the same.

Deference to a State court's full and fair adjudication, however, is not the only change proposed to our habeas corpus statutes in S. 1763. This bill seeks to broaden the circumstances in which procedural errors would prevent Federal review. In Wainwright against Sykes, the Supreme Court found that if a constitutional issue was not raised in State court in accordance with a State's contemporaneous objection rule, then that issue can be deemed forfeited unless a defendant shows "cause" for failure to raise the issue or "prejudice" arising from the claimed constitutional effect. However, the Court did not precisely define any cause and prejudice standard. Instead, it left such a standard "open for resolution in future decisions." The Court also stated that the "cause-and-prejudice test" would—

> not prevent a Federal habeas court from adjudicating for the first time the Federal constitutional claim of a defendant who, in the absence of such an adjudication, will be the victim of a miscarriage of justice.

Five years later, in Engle against Isaac, the Supreme Court held that:

> The terms "cause" and "actual prejudice" are not rigid concepts. They take their meaning from the principles of comity and finality . . . In appropriate circumstances, those must yield to the imperative of a fundamentally unjust incarceration.

S. 1763 attempts to define the conditions for cause and prejudice by focusing on the question of whether the State has provided the opportunity to raise Federal claims that satisfied the requirements of Federal law. Given the variety of circumstances which can and do arise in habeas corpus cases, the determination of whether or not a petitioner actually had every opportunity to raise a constitutional issue in the State court should be reviewed on a case-by-case basis. To do otherwise could result in "a miscarriage of justice."

There is yet a third constitutional issue raised in S. 1763 with respect to the proposed changes to the statute of limitations. The Constitution clearly states, "The privilege of the Writ of Habeas Corpus shall not be suspended unless when in cases of rebellion or invasion the public safety may require it." This bill would establish a 1-year limit on access to Federal habeas corpus for State prisoners and a 2-year time limit on application for collateral relief by Federal prisoners. Are the proponents of this bill presuming to establish time limits on individual constitutional rights? Are we to infer that for some people, constitutional rights expire after a certain period of time?

Mr. President, the proposed statutes of limitations are absurd. They impose time limitations on timeless rights. Such limitations could result in the punishment of an individual who has, in fact, been punished in derogation of his or her constitutional rights.

This legislation proposes a significant change in our judicial procedures. It does so in the name of efficiency. I have not been convinced, nor has the American Bar Association, that the potential benefit to our judicial system are worth the constitutional costs.

This matter is not cut and dried. The vote we will hold on this bill is not a procrime or anticrime vote; it deals with fundamental questions of our constitutional system. It is in the best traditions of this body to err on the side of caution in such matters, rather than to forge ahead because the political mood seems right. I will vote against this measure and urge my colleagues to do likewise.

Mr. THURMOND. Mr. President, the distinguished Senator from Georgia (Mr. NUNN) desires to speak in favor of this bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, first, let me commend the distinguished Senator from South Carolina for his leadership on this very important issue. I know the Senator from South Carolina has spent a lot of time on all of these important crime measures. I happen to believe that this one is right at the top of the list in terms of the reform that the American people not only have every right to expect but do expect.

Most people do not understand the technicalities of why a procedure takes so long in the criminal process in America. They do not understand that we have no finality of judgment.

I would very much like to commend the Senator from South Carolina for his very thorough and, I think, very effective job of leadership in this area.

I also want to commend the majority leader, Senator BAKER, for getting this legislation before us at the beginning of the session.

Senator CHILES, the Senator from Florida, has already related the concern that he and I have had for a number of years in this area, and we have urged over and over again that this be given a priority.

I am pleased and delighted that Senator BAKER and Senator BYRD have worked together to make this a priority piece of legislation for the Senate.

I am hoping that the leadership on the House side, both the Democratic leadership and the Republican leadership, will do the same thing.

Mr. President, I gladly rise today as cosponsor and in strong support of legislation, introduced by Senator THURMOND, addressing a most critical area of needed criminal law reform and one which is, by all reports, essential to the continued viability of our judicial system. I refer to the issue of the writ of habeas corpus.

On many occasions I have risen in this Chamber to address my colleagues on the need to restore a sense of finality to our criminal justice system, in part by reform of our Federal habeas corpus laws. Under those laws as they now stand, our courts have been burdened, time and again, with needless and repetitive habeas corpus petitions.

I have consistently sponsored or cosponsored reasonable legislation designed to address the need for habeas corpus reform. Specifically, during this session of Congress, I have cosponsored S. 117, the Crime Control Act of 1983, and S. 217, the Finality of Criminal Judgments Act, both of which contain many of the desired reforms. These bills would serve to streamline current habeas corpus procedure in several important ways. They would prevent Federal habeas corpus relief where first the issue was not raised in State court or second was disposed of on the merits in a collateral proceeding unless the petitioner establishes prejudices and other exceptional circumstances. They provide for specific statutes of limitations on the filing of habeas corpus petitions. Finally, they assign binding authority to State court determinations of certain issues absent a showing of special circumstances by the petitioner.

I am encouraged that the bill which we have before us speaks to precisely the same problems which has caused me such great concern for some time now.

The writ of habeas corpus, as originally conceived in medieval English law, provided a means of reviewing the detention of an individual held under executive, and not judicial, authority. It was never intended to be used to review in any manner, detention as a result of a judicial decision. It was executive, and not judicial, abuse of power that the Founding Fathers had in mind when they specifically prohibited the "suspension" of the writ of habeas corpus in article 1, section 9 of the Constitution. In fact, State prisoners were not specifically granted any right to Federal habeas corpus relief under the enactment of the Habeas Corpus Act of 1867 by Congress, despite the earlier constitutional provision.

Since 1867, experience has shown that the use of the writ now bears little resemblance to the purpose for which it was originally intended. Rather than act as a bulwark of freedom for our citizens, it has been misused as a seemingly endless "appeal" device by convicted felons. Frequently, prisoners wait many years and, after witnesses have died, file a habeas corpus action seeking to set aside the original judgment and sentence. In such cases, the issue raised was often not raised and answered in the original record, and the Government is simply incapable of refuting the prisoner's testimony.

In other cases, prisoners file a series of seemingly endless petitions, wasting precious judicial resources on the needless relitigation of issues clearly and fairly decided years before. In the absence of clear legislative directives, the Federal courts often rehear and reconsider questions properly answered in the State court systems.

Abuse of Federal habeas corpus law by career criminals clearly creates serious and unnecessary manpower problems for our criminal justice system. For the year ending June 20, 1983, some 10,446 petitions for habeas corpus relief were filed in Federal courts across the country. As recently as January 26 of this year, the U.S. attorney from Detroit, Leonard Gilman, testified in hearings before the Senate Permanent Subcommittee on Investigations, that each attorney in his office spends some 20 percent of his or her time on appeals, over half of which consists of habeas corpus litigation. Mr. Gilman expressed full support for the bill we are considering today.

Our State systems are equally burdened in litigating a flood of Federal habeas corpus litigation by State prisoners. Currently, only three full-time and one part-time attorney in the Georgia attorney's general's office are available to handle some 311 pending State prisoner habeas corpus cases pending in Federal court. Those same lawyers are also responsible for ligitating, through State and Federal courts, the State's 121 pending death penalty cases.

When the American public considers the types of cases which are so often litigated under our habeas corpus laws, it is little wonder why they are rapidly losing faith in the ability of our courts to deliver justice to criminal offenders.

Take, for example, the 1973 Georgia murder case in which five members of the Alday family were viciously killed in Donalsonville, Ga., during the robbery of one of their homes by three escaped convicts. The males were lined up, "firing squad" fashion, and, one by one, shot in the back of the head. The wife of one of the brothers was raped at the home and then taken to a wooded area, where she was again raped, sodomized, and then shot and killed.

In 1974, three men were convicted of these murders and sentenced to death. Those convictions were appealed to both the Georgia and U.S. Supreme Courts, and affirmed by both. Since those original appeals, the defendants have spent nearly 10 years pursuing petitions for habeas corpus relief in both Federal and State courts. As a result, they have today yet to face the death penalty. In the recent John Eldon Smith case, punishment was finally imposed only after his sentence had been reviewed 18 times by over 35 State and Federal judges.

A system which encourages these types of abuse can hardly be said to contribute to public confidence in our criminal laws. Most of us agree with those criminal justice experts who tell us that the greatest single deterrent to crime is swift and sure punishment for the guilty. Yet our system too often fails to deliver.

One reason, as Chief Justice Burger pointed out in a recent speech to the American Bar Association, is our inability to reach—at some point—finality of judgment. Judge Coleman of the Fifth Circuit Court of Appeals has stated:

> The (court) decisions say that the writ may not be used as a second appeal, but from experience the outlaws know better. Instead of being a bulwark of freedom for the citizen, it has been allowed to become a last, and too often a sure, refuge for those who have respected neither the law nor the Constitution.

It is a sad comment indeed on our criminal justice system that blatant abuse of the writ of habeas corpus has resulted in two of the most serious shortcomings within that system: needless delay and a lack of certainty and finality in punishment. We have come to the point where the writ, rather than serving to protect innocent individuals from baseless or unknown charges, is being routinely manipulated to insulate the guilty from their just and deserving punishment.

The proposal which Senator THURMOND has offered makes several important and needed revisions to those statutes governing current habeas corpus procedure. It provides for a 1-year statute of limitations for Federal habeas corpus proceedings filed by State prisoners. This 1-year period would not, however, being until the final exhaustion of all State remedies by the State prisoner. The 1-year period is clearly a reasonable and fair requirement for the filing of such petitions. This is particularly true when one considers the great length of time which is often consumed within the State process via both direct and collateral proceedings.

Similarly, the bill provides for a 2-year statute of limitations in habeas corpus proceedings brought by Federal prisoners. That period will begin to run from the latest of specifically

listed events: First, final conviction; second, removal of some Government obstacle to filing; third, creation of a newly recognized right; or fourth, discovery of necessary facts by reasonable diligence. Such limitations are clearly valid given the Supreme Court's decision upholding similar timeliness requirements for the exercise of rights, including those of constitutional origin, within both our criminal and civil judicial system. These periods of limitations are no more than a needed and reasonable requirement that habeas corpus proceedings, as other proceedings, be brought in a timely manner.

The proposal also speaks to the problem of the needless adjudication and readjudication of facts and issues which have already been fairly decided elsewhere in the legal system. We would require Federal courts to defer to State courts findings on factual and legal matters where those findings were the result of a "full and fair determination" by the State court. The Supreme Court has already made clear that there is no need for the Federal courts to rehash and rehash again issues which have already been fully and fairly determined in a State court. This provision will prevent the needless overburdening of the Federal courts with facts and legal issues already clearly and justly decided. In doing so, it will continue to protect petitioners from unjust State court determinations, leaving Federal courts free to review issues which do not meet the specific statutory standard. This was explicitly recognized by the Justice Department in their support of this provision before the Senate Judiciary Committee on April 1, 1982:

> In order to be full and fair in the intended sense the state adjudication must reflect a reasonable determination of the facts based on the evidence presented to the state courts, reasonable view of federal law, and a reasonable application of the law to the facts. It must also be conducted in a manner consistent with the procedural requirements of federal law, including the requirement of due process.

In that context, it is obvious that, under these provisions, Federal courts will still be free to fully employ the writ of habeas corpus in cases where State courts have failed to accord a petitioner a full hearing or where they have failed to act in accord with his Federal rights. It is also clear, however, that Federal courts will no longer be required to burden their already overcrowded dockets with the needless relitigation of issues already clearly, fully and fairly decided by State courts. In these days of scarce judicial resources and mounting criminal caseloads, this type of approach is essential if we are to maintain any semblance of judicial efficiency.

In conclusion, all of these provisions are designed to restore some measure of credibility to the writ of habeas corpus as it has evolved in our criminal justice system. The repetitive and often frivolous filings of habeas corpus petitions by criminal defendants has, for all practical purposes, transformed our courts into overburdened and overcrowded judicial lotteries. Our criminal justice system simply will not withstand, nor will the American public tolerate, the waste of judicial resources produced by the now commonplace abuse of this once great writ. Clearly, Congress should and must act now to end this absurd misuse of our judicial system.

We must act now to restore finality to our criminal justice system and to end this type of abuse that is so prevalent.

Mr. President, again, I congratulate the Senator from South Carolina.

● Mr. HEFLIN. Mr. President, I support the necessary changes in our Federal habeas corpus law. I commend Judiciary Committee Chairman Senator STROM THURMOND, Senator LAWTON CHILES, and my colleagues who have been at the forefront of needed improvements in the "great writ"—habeas corpus.

The ability of a lower Federal court to overturn a State court judgment in collateral habeas corpus proceedings raises serious questions regarding the finality and integrity of State court decisions. This finality and integrity does serve an important function in the Federal system. Under our Constitution, the Federal and State judiciary share the same responsibility to make decisions regarding the Constitution and Federal law.

When a defendant is tried in a State court for a violation of State law, it is the duty of a State judge to conscientiously decide any Federal question which may arise, in accordance with the Constitution. One important check on whether the State court is properly administering Federal law is review by the U.S. Supreme Court. This is available on appeal from decisions by the highest State tribunal.

Given this system of review, some have questioned whether our federal system requires an additional collateral review of State court decisions by lower Federal courts, and what purpose this review will serve.

There is no doubt that the problems of finality and integrity in State court judgments also have an acute effect on the enforcement of our criminal law. This is not a recent phenomenon. The Bible describes well the tendencies of human nature: Ecclesiastes 8: 11, "Because sentence against an evil work is not executed speedily, the heart of the sons of men is fully set to do evil." Our criminal justice system cannot be effective unless one who violates the law knows that he will be punished swiftly and certainly. Criminals who do not fear immediate punishment are much more likely to break the law again.

At the same time, it must be remembered that criminal law involves respect, important for one's constitutional rights. Certainly there is a fundamental concern that our criminal justice system incorporate the notions of due process and equal protection. Ultimately it must strike a balance between the need for presenting claims in an orderly and timely manner, the need to prevent conviction of the innocent, and disregard for our constitutional safeguards.

The discussions surrounding our habeas corpus laws are not new, and Congress is not alone in its recognition of the problem. The need for an escape valve in the exceptional case has not gone unnoticed by certain members of the Supreme Court. In his 1981 yearend report on the judiciary, Chief Justice Warren Burger called for the limiting of Federal collateral review of State court convictions, to claims of manifest miscarriages of justice. Such an approach suggests the desirability of leaving some discretion in the Federal courts, in the case where a State court system does not fulfill the duties mandated by the Constitution.

The Senate Judiciary Committee held hearings on habeas corpus review in the 97th Congress. I had the opportunity to chair one of these hearings. Two witnesses from my home State of Alabama presented testimony: the Honorable C. C. Torbert, Jr., chief justice of the Alabama Supreme Court, and Charles A. Graddick, Alabama's State attorney general.

The testimony, by and large recognized the present ability and the competency of most of our State courts to provide defendants with a full and fair adjudication which would meet constitutional standards. Given these circumstances, we might, with some confidence, consider measures to eliminate the abuse of the "great writ," which we, of course, know as the habeas corpus writ.

Such actions could prevent situations which occurred in my own State of Alabama.

It involved a defendant who went on a seven-State rampage of violent crime, robbery and murder, and a defendant who admitted his guilt, who pled guilty at the time of the trial, who was convicted of capital offense by a jury in April 1977, and who was sentenced to death after a hearing where judicial findings were entered, as required by State law, that the aggravating circumstances outweighed the mitigating circumstances.

This conviction and sentence was affirmed by the Alabama Court of Criminal Appeals, and later by the Alabama Supreme Court. The U.S. Supreme Court denied a petition for writ of certiorari in February 1979, and a date for execution was set.

Two years and four occasions for review had transpired. At this point, the Federal habeas corpus process went into gear and the State court's system was ultimately reversed by the fifth circuit. More than 5 years after indictment, the U.S. Supreme Court granted a petition for certiorari and heard oral arguments. The Supreme Court reversed the decision of the fifth circuit.

On April 21, 1983, a third writ of habeas corpus was filed. The following day, April 22, 1983, 6 years after Evans had pled and been found guilty, the sentence was implemented.

I realize that the review of a capital offense conviction must involve a careful scrutiny based on the principles of procedure, due process, fundamental fairness, equal protection, and other specific constitutional safeguards. State judges, no less than Federal judges, must uphold these principles as their obligation under article VI of the Constitution.

I, too believe it is time we reviewed the overextended use of the writ of habeas corpus. I urge my colleagues to carefully consider the legislation which is before the Senate today.●

Mr. THURMOND. Mr. President, I wish to take this opportunity to commend the able Senator from Georgia for the splendid statement he has made on this question. This is a vital subject and we are very pleased that the Senator has taken such an active part in this matter.

AMENDMENT NO 2699

(Purpose: To retain full Federal court review of constitutional issues raised by State prisoners)

The PRESIDING OFFICER. The Senator from Montana.

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

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Montana (Mr. BAUCUS) proposes an amendment numbered 2699.

On page 5, line 12, strike out beginning with "by redesignating" through "ed" on line 14.

On page 5, line 25, after the semicolon add "and".

On page 6, lines 1 and 2, strike out "redesignating subsection '(d)' as subsection '(e)', and amending it" and insert in lieu thereof "amending subsection (d)".

On page 6, line 3, strike out "(e)" and insert in lieu thereof "(d)".

On page 6, line 9, strike out "; and" and insert in lieu thereof a period.

On page 6, strike out line 10 through line 15.

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

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

Mr. BAUCUS. I object.

The PRESIDING OFFICER. Objection is heard.

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

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

Mr. BAUCUS. Mr. President, I renew my call for the yeas and nays.

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

The yeas and nays were ordered.

Mr. BAUCUS. Mr. President, I thank the Chair and thank the Members of the Senate who supported my request for the yeas and nays.

This is a very simple amendment that I have offered, Mr. President. Its intent is to provide a balanced approach to the problem we have at hand. The Senator from South Carolina, the Senator from Georgia, and the Senator from Florida were all very accurate, I think, when they pointed out some of the problems we face in our criminal justice system—namely, the need for more finality, the need for more certainty, and the need to reduce what I think most Americans regard as unnecessary, frivolous, and unfair burdens that all too often occur in our criminal justice system.

My amendment is designed to address those problems without going too far—that is, without throwing the baby out with the bathwater, without going overboard, without letting the pendulum swing so far that we are probably going to be causing more problems than we are solving.

Mr. President, my amendment is very simple. It would delete section 5(c) from S. 1763. That is all—just section 5(c). It would not delete other important provisions of the bill which, I think, fairly and properly limit the availability of Federal habeas corpus relief.

Section 5(c)—that is the only section which I seek to delete—is the provision which would preclude Federal judges from granting habeas corpus relief to State prisoners on the basis of legal and constitutional claims that have been fully and fairly adjudicated at the State level. By deleting this section from the bill, my amendment would leave the law on this issue as it now exists. That is, State prisoners would continue to be entitled to a full and independent review of their Federal claims in Federal courts. The effect, therefore, is only to delete that portion.

Other major provisions of the bill, including the statute of limitations of 1 year to State prisoners and 2 years to Federal prisoners as now contained in the bill, will still remain if my amendment passes. The statute of limitations is a very crucial part of the bill, and I wholeheartedly agree with the proponents of S. 1763 that there should be a statute of limitations. My amendment leaves that reform completely intact, because, in my view, it is a cornerstone of this bill.

Mr. President, I fully understand that our habeas corpus statutes are in need of serious and meaningful reform. In both 1982 and 1983, over 8,000 petitions were filed by State prisoners in Federal district courts challenging the legality of their imprisonment. Thousands more were filed by Federal prisoners. Many were repetitious. Many were frivolous. And many alleged errors in convictions that had occurred years in the past.

There is no doubt that we in Congress need to take immediate action to curb these abuses of our habeas system—action that will serve to promote the finality of criminal judgments at both the Federal level and the State level.

Some such action is attempted in the bill before us today. The provision allowing the dismissal of frivolous claims from State prisoners even if State remedies have not been exhausted will alleviate the problem of needless and duplicative adjudication of those issues. And the provision imposing a statute of limitations, as I have already mentioned, will serve to put an end to what is now a seemingly endless routine to recurrent prisoner appeals.

But in my opinion, precluding Federal courts from reviewing Federal claims from State prisoners is neither a necessary nor an advisable reform in our habeas corpus law. It is not necessary because full Federal review of these claims does not actually cause a problem in our existing system. And it is not advisable because it would remove from our laws a provision that in the past has served to protect and vindicate constitutional rights.

The alleged reason for section 5(c) is that our statutes now allow unwarranted intervention by Federal courts into State proceedings and adjudications and that they actually invite Federal courts to substitute their judgments for those made by State courts. History, however, does not support that argument.

Federal courts working under the current statutes do in fact defer to State adjudications on Federal and constitutional issues. In the vast majority of cases, they make reference to and rely upon the State's evaluation of prisoner claims. Of the thousands of State prisoner petitions filed every year, fewer than 3 percent result in a

reversal of a State court determination or a granting of Federal habeas relief. In my view, if something is not broken, it should not be fixed. And in my view, the law on Federal review of Federal claims is not broken.

Proponents of section 5(c) also argue that, even if Federal courts do not overturn State decisions, the statutes now require them to spend an inordinate amount of time relitigating issues that have already been adequately addressed in the State courts. It is argued that deference to full and fair State adjudications will lessen this burden. Again, however, I do not believe the practical realities of Federal habeas litigation support that argument.

Federal judges do not begin blind in their review of constitutional issues raised by State prisoners. They have the benefit of the briefs filed in State courts and the opinions and orders rendered by State judges. They rely heavily on these prior adjudications, and for the most part, do little more than reaffirm the earlier State court judgments.

Furthermore—and this is critical—I do not see how the creation of a new standard of review as contained in section 5(c)—full and fair adjudication—will significantly reduce the workload of the Federal courts. Even under the new standard, judges will be required to review and assess the merits of State decisions to determine whether they are fair or reasonable. Section 5(c) might change the focus of Federal review, but it will not change the fact that a substantive review has to occur and probably will still take just as much time.

As I have said, I do not believe section 5(c) is a necessary reform of the habeas laws, and I do not believe it will actually constitute an improvement over current law. But beyond these practical objections, I also firmly believe that the existing law on this issue should remain as it is. In my view, the ultimate responsibility for the interpretation and application of Federal law should remain in the Federal courts.

Traditionally, State courts are viewed as the final arbiters of issues of State law. Federal courts, on the other hand, have the ultimate and supreme responsibility for resolving and interpreting issues of Federal and constitutional law. I do not believe there are compelling reasons to deviate from accepted principles of federalism and to upset the historic balance of judicial responsibility by requiring Federal courts to defer to State decisions on Federal matters.

Mr. President, I do not mean by these remarks to demean the competence or integrity of State courts and State judges. A great amount of respect and deference should be accorded to their judgments and their legal interpretations.

However, Federal courts enjoy a degree of independence and insulation from local passions and prejudices that may not be available to State courts. Federal judges have lifetime appointments to office, while State judges are most often elected and are therefore logically more susceptible to public pressure and public opinion. The pressure to keep convicted criminals in prison, regardless of whether their rights may have been violated, can be vehement and sometimes overwhelming.

I have no doubt that in the vast majority of cases, State courts can and do adequately protect the constitutional rights of State prisoners. However, there are also rare instances in which their decisions are misguided or influenced by external factors. Because of those rare instances, I would prefer to leave in place the added safeguard of full and independent Federal review.

Mr. President, let me briefly summarize. We all know that there is a groundswell of public opinion to put criminals in jail and stop crime. Indeed, we in the Senate have just passed a criminal reform bill.

That bill contains substantial sentencing reforms that basically provide for fixed and determinate sentences, and cut back on the availability of parole. Those reforms indicate how we in Congress can shoulder the responsibility for fighting crime and for promoting finality in the criminal justice system. Likewise, the sections of the bill now before us on precedural default and statutes of limitations constitute legitimate methods of achieving finality.

Mr. President, this bill tends to go too far.

In essence, it eliminates the right of Federal habeas where there has been a hearing in the State courts. Federal courts will no longer be the final arbiters of Federal constitutional issues in criminal cases. These issues will now basically be left to the States. And if their adjudications can be deemed "reasonable," there will be no further recourse available to State prisoners at all.

Section 5(c) simply goes too far, and I urge you all to accept my amendment.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. BOSCHWITZ). The Senator from Delaware.

Mr. BIDEN. Mr. President, I support the amendment of the Senator from Montana.

I must say, quite bluntly, that even if this amendment is adopted, I have some additional concerns about the bill. There are many legitimate criticisms of the present situation and practice. But the procedural constraints that are imposed by the bill at this point unduly restrict what should be a right and an avenue that should remain open.

The second major problem with this bill is with relation to the statute of limitations. I believe the proposed limitations raise serious constitutional questions, in light of the article I prohibition against suspension of the writ of habeas corpus.

The law now permits a court to dismiss a habeas petition if the State has been prejudiced in its ability to respond because of delay, and no evidence has been presented that this provision is insufficient to protect the State's interests. Therefore, even with the adoption of this amendment—and I hope it is adopted—we will still have problems.

Moreover, the 1-year and 2-year statute of limitation provisions are unreasonable and impractical. First, there is no escape clause with respect to manifest injustice; and second, these provisions do not comply with the Supreme Court's suggestion in Rose against Lundy, that all claims be filed in one petition. I believe that the time limits should be extended, at least as regards the 1-year limit, and an exception should be made for cases of "manifest injustice."

Quite frankly, if we cannot adopt what I think is a modest attempt to clean up this bill, as being proposed by the Senator from Montana, I doubt very much whether we will be able to amend it in any other way, so I will not belabor the Senate with additional amendments if this amendment is not adopted.

Mr. President, I am told that another Senator who wishes to speak in behalf of Senator BAUCUS' amendment is on his way to the floor. Since I do not have any more to say at this time, and I see no one seeking recognition, I suggest the absence of a quorum, until he arrives.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I rise in strong opposition to the amendment offered by the gentleman from Montana (Mr. BAUCUS) to delete section 5(c) from the pending measure. This opposition is shared by the full Committee on the Judiciary and by the Department of Justice.

The proposed amendment would eliminate from S. 1763 the prohibition on Federal courts granting relief to State prisoners pursuant to habeas corpus petitions based upon claims

fully and fairly adjudicated in State court proceedings. The result of the proposed amendment would be to require Federal courts to undertake a full de novo review of the legal (and many of the factual) issues presented to them by habeas petitions. This would effectively undermine one of the most important achievements of the present legislation.

The advantages of the policy established by section 5(c) are twofold. First, it would substantially reduce the intrusive interference by Federal courts in the State criminal justice system occasioned over the past two decades by the habeas process. Increasingly, habeas petitions have been employed by those in State custody for the purposes of collateral attack upon convictions fully and fairly secured in State courts. Upon exhaustion of their avenues of State appeals, such individuals have routinely turned to the Federal court system in order to pursue additional appellate opportunities and to repeatedly relitigate already litigated issues. The unfortunate result of this practice today is a criminal justice system that is more congested than necessary, more wasteful of scarce judicial resources than necessary, and more characterized by delays in the administration of justice than necessary. Most importantly, such abuse of the habeas process has resulted in a system of criminal justice widely scorned as arbitrary and unjust. Section 5(c) would help in restoring a measure of commonsense to this system.

The second principal advantage of the policy set forth in section 5(c) is that it would reduce the exorbitant amount of time that Federal courts must devote to the review of habeas petitions from prisoners, the overwhelming number of which are frivolous and without serious legal basis. The sheer quantity of such petitions has grown exponentially over the past two decades and has contributed to an increasingly paralyzed system of criminal justice in this country. Section 5(c) would help in restoring a more efficient system of criminal justice in this country.

The distinguished Senator from Montana raises several points that require brief response. He argues that section 5(c) will have no significant impact upon levels of judicial workload because reviewing courts will still have to determine whether a habeas petition contained claims that had been fully and fairly litigated. This argument is ironic in view of his alternative concern that State prisoners will be denied important opportunities for review of their conviction. In fact, I believe that section 5(c) establishes an appropriate balance in the habeas procedure: State prisoners will continue to be afforded the opportunity to employ the habeas process for what amounts to a final judicial appeal, but it will be a more limited appeal in which the reviewing Federal court is not required to substitute its judgment for that of the trial court. Rather than having to freshly consider each matter raised in the context of the habeas petition, the Federal court would simply be required to determine that the State court acted reasonably in rendering its decision. Instead of overturning reasonable decisions on the basis of finely cut or unsettled questions of law, and setting in motion new criminal trials, the reviewing court would be obligated to resolve such questions in favor of the State courts. The full and fair standard is not only a standard of review far more conducive to expedited judicial review but would apply to both issues of law and fact, this eliminating many difficult and drawn-out determinations by the reviewing court.

The Senator from Montana also argues that the proposed reform is inconsistent with federalism since Federal courts are the ultimate arbiters of Federal and constitutional law. The U.S. Supreme Court is indeed the ultimate arbiter of such law and nothing in S. 1763 would affect that responsibility. The Senator is wrong, however, in his implication that constitutional law questions are any more in the province of the lower Federal courts than in the State courts. The U.S. Constitution is the supreme law of the land and must be faithfully applied by State courts just as it must be faithfully applied by Federal courts. In matters of consitutional interpretation, the State courts have an equal and concurrent responsibility with the lower Federal courts. State courts have, without interruption, routinely addressed constitutional issues involved in State criminal prosecutions from the outset of our Nation's history. In any event, S. 1763 would maintain the ability of the Federal judiciary to overturn a State criminal conviction on the basis of clearly erroneous applications of constitutional law.

Finally, Mr. President, the Senator from Montana argues that the present system of habeas corpus does not unduly interfere with State court judgments since only 3 percent of such petitions result in a reversal of a State court decision. Given the fact that the petitioner must already have exhausted, at minimum, two levels of appeal, I am not sure that I would agree that a 3-percent reversal rate is totally insignificant. Be that as it may, the fact remains that in 100 percent of such cases the considered decisions of State courts are in jeopardy on the basis of nothing more than fine disagreements on technical questions unrelated to the basic issue of whether the petitioner was accorded a fair trial consistent with well-understood concepts of due process. In each of these cases, the reviewing court must redetermine every claim properly presented and second-guess every decision made by the State courts. The intrusiveness of the process is not diminished by the fact that the great majority of the petitions are rejected summarily. These statistics are misleading in any event because of the sheer volume of habeas petitions, often filed by a disproportionately small number of prisoners, which are so blatantly frivolous as to constitute an abuse of the legal process generally.

Mr. President, I strongly urge my colleagues to reject the proposed amendment by the Senator from Montana and let this Nation take one important step in the direction of restoring a rational and just system of criminal law to this country and thereby restoring the respect of the American people. If this body is genuinely serious about criminal justice reform, it will reject the pending amendment.

Mr. President, the Justice Department has written me a letter opposing this amendment that I wish to present to the Senate.

DEAR MR. CHAIRMAN: The Department has been advised that an amendment will be proposed to delete section 5(c) of S. 1763, a provision that would accord deference in habeas corpus proceedings to the result of full and fair state adjudications of federal claims. As you know, section 5(c) would basically establish a standard of reasonableness for habeas corpus review of state court determinations. Compliance with certain other conditions by the state courts, including due process, would also be required.[1]

The Judiciary Committee wisely rejected the same proposal to delete section 5(c) during its consideration of the bill. We believe that the proposed change in the standard of review is one of the most important features of the bill. It would be most regrettable if the full Senate failed to adopt this salutary reform.

The most extreme inaccuracies in the statement supporting the proposed amendment must be addressed. The statement represents that section 5(c) is "inconsistent with the basic concepts of federalism" and that it threatens to "upset the historic balance of judicial responsibility in this country." Both these assertions are simply false.

The bill has no effect at all on the Supreme Court's independent determination of federal questions in direct review of state judgments, and it in no way diminishes the obligation of any court to comply with Supreme Court precedent. It only affects habeas corpus review of state judgments by the lower federal courts.

Historically, de novo determination of federal questions in habeas corpus review is a recent innovation; it is the result of decisions made within the past thirty years.[2] Prior to that time, the Supreme Court clearly held that matters that had been fully and fairly adjudicated in state proceedings could not be re-examined by the lower federal courts.[3]

Considerations of federalism do not weigh against the proposed reform; they strongly

Footnotes at end of letter.

support it. Justice Powell, for example, has stated:

[T]he present scope of habeas corpus tends to undermine the value inherent in our federal system of government. To the extent that every state criminal judgment is to be subject indefinitely to broad and repetitious federal oversight, we render the actions of state courts a serious disrespect in derogation of the constitutional balance between the two systems.[4]

Similarly, Justice O'Connor, speaking for the Supreme Court in the case of *Engle* v. *Isaac*, has stated:

[H]abeas corpus * * * imposes special costs on our federal system. The States possess primary authority for defining and enforcing the criminal law. In criminal trials they also hold the initial responsibility for vindicating constitutional rights. Federal intrusions into state criminal trials frustrate both the State's sovereign power to punish offenders and their good-faith attempts to honor constitutional rights.[5]

The case for adopting this reform as a means of improving the efficiency of habeas corpus litigation is equally clear. Currently, judgmental differences on close or unsettled questions in the interpretation and application of federal law can result—and do result—in extensive litigation at both the district court and circuit court levels in habeas corpus proceedings.[6] Some authorization exists for deferring to the state courts on purely factual matters, but the standards for such deference are complex and obscure,[7] and their limitations can readily be circumvented by characterizing a state determination as a mixed question of law and fact.[8] The standard of reasonableness proposed in section 5(c), by contrast, would apply to both legal and factual conclusions; it should provide a quick and easy resolution of the vast majority of issues that arise in habeas corpus litigation.

In sum, the case for the reform proposed in section 5(c) of S. 1763 is clear, both as a means of furthering the principles of federalism and as a response to the existing burdens of habeas corpus litigation. The Department of Justice strongly urges the Senate to reject the ill-advised proposal to delete this important measure from the pending legislation.

Sincerely,

ROBERT A. MCCONNELL,
Assistant Attorney General,
Office of Legislative Affairs.

[1] See S. Rept. No. 226, 98th Cong., 1st sess. 6-7, 22-28 (1983) (Committee report on S. 1763).

[2] See id. at 23-24.

[3] See Ex parte Hawk, 321 U.S. 114, 118 (1944).

[4] See *Schneckloth* v. *Bustamonte*, 412 U.S. 218, 263 (1973) (concurring opinion).

[5] 456 U.S. 107, 127-28 (1982).

[6] See Habeas Corpus Reform Act of 1982: Hearing on S. 2216 before the Senate Committee on the Judiciary, 97th Cong., 2d sess. 231-34 (1982); Judge Henry J. Friendly, "Is Innocence Irrelevant? Collateral Attack on Criminal Judgments," 38 U. Chi. L. Rev. 165 & n. 125 (1970); see also id. at 143-46, 147-49.

[7] See 28 U.S.C. 2254(d).

[8] See, e.g., *Sumner* v. *Mata*, 449 U.S. 539, 555-59 (1981) (Brennan, J., dissenting).

Mr. President, again, I want to say that I cannot imagine a measure coming before the Senate in this session which means more to relieving the congestion of the courts and which means more to promoting justice in our judicial system than the passage of this particular bill. If I had to choose between all of the provisions that have been included in the crime package or in these other bills, it would be very difficult to put any other provision above this one.

Mr. President, the administration opposes this amendment. The Justice Department opposes this amendment. The Judiciary Committee opposes this amendment. The National Association of Attorneys General opposes this amendment. I hope the Senate will see fit to defeat this amendment so that the bill can pass as brought out by the Judiciary Committee.

Mr. President, if there is no other discussion on this amendment, I believe the yeas and nays have been called for.

Mr. HATCH. Mr. President, I wish to respond to the amendment proposed by the Senator from Montana. The same amendment was proposed by the Senator during the Judiciary Committee's consideration of this bill. It was fully considered and rejected by a majority of the committee.

Let me begin by noting what proposed section 5(c) does not do. It in no way affects the status of the Federal judiciary as the final arbiter of Federal law. Neither section 5(c) nor any other provision of the bill has any effect at all on direct review of State judgments by the Supreme Court. The Supreme Court would be in no way limited in its independent determination of Federal law; all low courts—both State and Federal—would remain fully bound by the Supreme Court's decisions.

Rather, section 5(c) is limited to changing the standard for habeas corpus review of State criminal judgments by the Federal district courts. Even under current law, the lower Federal courts engaged in such review do not make fully independent determinations of Federal claims that have already been decided by the State courts. The factfinding of the State courts in deciding such claims is presumed to be correct under standards set out in section 2254(d) of the Judicial Code. Also, under the decision of the Supreme Court in Stone against Powell in 1976, the lower Federal courts in habeas corpus cases cannot reexamine State court decisions interpreting and applying the fourth amendment to the Constitution, so long as an opportunity for full and fair litigation was provided in the State courts.

In positive terms, section 5(c) would replace the confused and obscure rules that currently govern deference to State determinations in habeas corpus proceedings with a simple and consistent standard that would apply to both factual and legal determinations. The interpretation of the proposed "full and fair" standard has been clearly and consistently set out in the bill's legislative history. The principal requirements are that the State determination be reasonable and that it be arrived at by procedures consistent with due process.

Thus, the complex standards of section 2254(d) of the Judicial Code that now govern deference to State factfinding would be replaced by a simple inquiry as to whether the State court's factual conclusions were reasonable in light of the evidence presented to it. The adequacy of the State court's interpretation and application of Federal law would be judged under the same standard. The State court's determination would have to reflect a reasonable reading and application of Supreme Court precedent. As the committee's report on the bill explains, the State courts could rely on the decisions of the Federal courts of appeals in deciding issues that the Supreme Court has not resolved.[1] Such a reform would clearly not diminish the role of the Federal courts in the interpretation and exposition of Federal law.

Given the requirement of reasonableness and the other requirements of the "full and fair" standard, I see little force in the gentleman's concern over protection of the rights of State prisoners. If a State court acted in defiance or disregard of controlling Federal precedent as a result of political or public pressures, or for any other reason, the standard would not be satisfied and Federal relief would be available.

In closing, I wish to draw attention to the remarks of Justice Sandra O'Connor on this question:

> If our nation's bifurcated judicial system is to be retained, as I am sure it will be, it is clear that we should strive to make both the federal and the state systems strong, independent, and viable. State courts will undoubtedly continue in the future to litigate federal constitutional questions. State judges in assuming office take an oath to support the federal as well as the state constitution. State judges do in fact rise to the occasion when given the responsibility and opportunity to do so. It is a step in the right direction to defer to the state courts and give finality to their judgments on federal constitutional questions where a full and fair adjudication has been given in the state court.

I fully agree that it is unseemly to reduce the judges of the highest courts of the States to the status of factfinding commissioners whose factual conclusions may be accepted if a complex set of conditions are satisfied (28 U.S.C. 2254(d)), but whose decisions on questions of law can be overridden in habeas corpus proceedings no matter how reasonable, judicious, and persuasively argued they may be. The reform proposed in section 5(c) of this bill would correct this affront to the dignity of the State judiciaries without impairing the protection of Federal rights.

[1] S. Rept. No. 226, 98th Cong., 1st sess. 26 and n. 106.

I wish to add some observations of my own concerning the suggestion that additional litigation would result from replacing the complex rules that now govern deference to State determinations with the simple standard proposed in section 5(c) of this bill.

This suggestion is contradicted both by historical experience and by contemporary experience with similar standards. The current standards of review in habeas corpus proceedings derive from the decision of Brown against Allen in 1953 and the decision of Townsend against Sain in 1963. These decisions involved an unexplained departure from preexisting standards whose formulation was essentially the same as that proposed in section 5(c) of S. 1763. In ex parte Hawk in 1944, for example, the Supreme Court stated:

> Where the state courts have considered and adjudicated the merits of . . . [a petitioner's] . . . contentions . . . a federal court will not ordinarily reexamine upon writ of habeas corpus the questions thus adjudicated. . . . But where resort to state court remedies has failed to afford a *full and fair adjudication* of the federal contentions raised, either because the state affords no remedy . . . or because in the particular case the remedy afforded by state law proves in practice unavailable or seriously inadequate . . . a federal court should entertain his petition for habeas corpus, else he would be remediless. (Italic added.)

The record of cases from that period does not show that the interpretation or application of this standard gave rise to extensive litigation or otherwise burdened the courts. In fact, the great increase in the volume and complexity of habeas corpus litigation followed the expansion of the scope of review by Brown against Allen and Townsend against Sain.

As the gentleman from Montana has noted, the proposed "full and fair" standard for habeas corpus review is essentially a standard of reasonableness. This is comparable to the current standard of review for State executive action in "civil rights suits" under title 42, United States Code, section 1983. State executive officials have a "good faith" defense in section 1983 suits under which no liability results if the official reasonably believed that his actions were lawful. Thus, the disposition in such cases does not depend on a determination that the State official was correct in his view of Federal law; it depends on whether his view of Federal law and its implications under the circumstances was reasonable.

At bottom, I think, the question is one of commonsense. Serious errors of Federal law in criminal cases that have been reviewed and affirmed by State appellate courts are hardly common. If differences between Federal and State courts do arise in habeas corpus proceedings, they are likely to relate to close questions in the application of Federal law or unsettled questions in its interpretation. A Federal habeas court now has no authority to accept a State court's conclusions on such questions, even though the Federal court may recognize that the State determination is reasonable and that it is consistent with the views of other Federal courts. Overturning a State criminal judgment should depend on a determination by the Federal court that something more serious was amiss in the State proceedings than a mere difference of opinion regarding a matter on which judges may reasonably disagree. In essence, section 5(c) requires no more than that.

Finally, on the workload question, I find it plausible that the proposed reform would reduce the difficulty of habeas corpus litigation. Independently whether a State court's decision of a close or judgmental question was "correct" in some abstract or ideal sense may be difficult and time consuming. Whether the State determination was reasonable, however, would rarely be a real issue.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I am not going to take too much time here. I think the issues have been fairly well raised and have been joined, discussed, argued, and debated.

But let me make a couple of quick points. The Senator from South Carolina, the chairman of the committee, very forcefully defends the full bill and very forcefully objects to any amendments whatsoever to the pending bill. He makes essentially two arguments: One is that the courts are clogged and that the bill before us will unclog them.

Mr. President, under present law, whenever a defendant petitions a Federal court for Federal habeas corpus, the Federal judge must grant a de novo review of the claims by the prisoner. That means that the Federal court has to de novo, from the beginning, start over again and look to see whether or not the claims by the prisoner are true or not true.

But, Mr. President, the judge is not required to ignore completely the earlier State proceedings. He or she can look at earlier briefs and decisions and very quickly reach a decision whether or not the petition filed by that prisoner is meritorious or frivolous. The fact of the matter is in most cases the State will merely respond that the petition is frivolous; and in the vast majority of the cases, 90 percent of the cases, the Federal judge will agree.

Under this bill, if my amendment does not pass, those State courts are going to have to take the same amount of time to determine whether or not there was a full and fair airing below in the State court as to whether or not the prisoner's Federal constitutional claims were actually violated. That is going to take some time.

What is that judge supposed to do? He is supposed to look at the pleadings, look at the record below, to see whether or not there has been a full and fair review. That is going to take the Federal court just as much time as under present law. So to suggest this bill before us is going to unclog the courts, Mr. President, is just plain not true.

What is the other argument raised today in objection to my amendment? Very simply, it is that, "Well State courts determine Federal constitutional issues just as well as do Federal courts. We do not have to worry about this argument that Federal courts should remain the final arbiters of Federal constitutional issues."

Well, the fact of the matter is, Mr. President, if the amendment I am offering is not adopted, then the only time that a State prisoner will, as a practical matter, have any opportunity to have his Federal claims vindicated is if, after the State proceedings are terminated, he files a writ of certiorari before the U.S. Supreme Court. We all know the Supreme Court today is already so clogged, its docket so full, that in the vast majority of the cases the Supreme Court does not grant these writs of certiorari. That means, as a practical matter, that the State prisoner will not be able to have any full hearing of his claim before any Federal tribunal.

Mr. President, my amendment is the middle position here. The proponents of the bill want to virtually obliterate Federal habeas corpus as it is known today. There are other Senators on the floor here today who oppose this bill down the line, who, by and large, do not favor any of the provisions of this bill.

My amendment is the middle position. My amendment would keep the statute of limitations, and the other provisions restricting Federal habeas corpus. But it also says: "Let's not go too far; let's be moderate and reasonable about this." I, therefore, suggest, as a moderate, reasonable, and balanced position, that this bill with the amendment that I am offering is the way which this Senate should proceed. In my view it should be the law of the land with respect to Federal habeas corpus.

With that, Mr. President, I urge Members to think and reflect a little bit. It is my humble thought that if we do so, the amendment will be adopted.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. LEVIN. Mr. President, I support the Baucus amendment to strike section 5(c) of this bill. One of the objections to that section of the bill is that it will severely restrict the right of persons who have been sentenced to death under State law to apply for a writ of habeas corpus, thereby increasing the risk of error in capital cases.

Under section 5(c) of Senate bill S. 1763, application for a writ of habeas corpus could not be granted "with respect to any claim that has been fully and fairly adjudicated in State proceedings."

The statute itself does not define explicitly the meaning of "fully and fairly adjudicated."

The committee's attempt to provide a definition in its report does not provide assurance that the constitutional rights of those who have been sentenced to death will be protected. The committee report on S. 1763 does make some effort at a definition of "fully and fairly adjudicated," but it is an inadequate one. It states that a State adjudication "would not be full and fair in the intended sentence if the determination arrived at did not meet a minimum standard of reasonableness."

But the standard of reasonableness is very vague. It is not defined. There is nothing in the statute helping us to define it. The committee report does not tell us how we would define, and how a Federal court would define, reasonableness in order to determine whether a State court adjudication of a constitutional issue has been full and fair.

Mr. President, there is another basic problem, of course, and that is that this is an effort to exclude Federal courts from correcting constitutional errors or errors in the interpretation of Federal law, because even though a State court might be reasonable in its interpretation, it also could be dead wrong in its interpretation of the Constitution or its interpretation of Federal law. And if it is wrong, we cannot let those rights be abdicated or violated.

This is particularly true, of course, where we are now once again executing people, inflicting capital punishment upon people, and it would be absolutely unthinkable that this could be permitted where they have been denied their constitutional rights and access to Federal habeas corpus.

Last year, the Supreme Court in the case of Barefoot against Estelle established procedural guidelines for handling applications for stays of execution on habeas corpus appeals. The Supreme Court emphasized the importance of providing a Federal forum. The Court said:

> It is a matter of public record that an increasing number of death-sentenced petitioners are entering the appellate stages of the Federal habeas corpus process. The fair and efficient consideration of these appeals requires proper procedures for the handling of applications for stays of executions, and demands procedures that allow a decision on the merits of an appeal accompanying the denial of a stay.

The Supreme Court's opinion in Barefoot is pertinent to the debate on the Baucus amendment for two reasons: First, it clearly demonstrates that the Federal judiciary can and does limit access by State prisoners to Federal courts in ways which balance the important interests at stake; second, the opinion emphasizes the importance of providing captial defendants with an opportunity to have their writs of habeas corpus reviewed on the merits in Federal courts.

Mr. President, the significance of providing a Federal forum for claims of constitutional violations made by persons whose lives are at stake cannot be overemphasized.

In Woodson against North Carolina, Justices Stewart, Powell, and Stevens stated that:

> The penalty of death is qualitatively different from a sentance of imprisonment, however long. Death, in its finality, differs more from life imprisonment than a hundred-year prison term differs from one of only a year or two.

In Lockett against Ohio, Chief Justice Burger stated:

> We are satisfied that this qualitative difference between death and other penalties calls for a greater degree of reliability when the death sentence is imposed, in ruling unconstitutional an Ohio death penalty statute which precluded the sentencers from considering any mitigating circumstance of the offense that the defendant proffered.

In addition to the qualitative difference between capital cases and other cases, statistics on the number of capital cases where petitioners have been successful in proving that the State courts' rulings on serious constitutional questions were wrong, reveal that error, as a matter of fact, is the norm in those cases. In an amicus curiae brief in the Barefoot case, the NAACP legal defense and education fund stated the following statistics:

> Since 1976, the Federal Courts of Appeals nationally have decided 41 capital cases on the merits. According to our records, 30, or 73.2 percent of these have been decided in favor of the death-sentenced individuals. In the Fifth Circuit, 27 capital cases have been decided on the merits during this period. Of the 27, 21, or 77.7 percent, have been decided in favor of the death-sentenced individual. Even looking solely at cases in which the death-sentenced habeas corpus petitioner was appellant, the ratio of rulings in the petitioner's favor has been extremely high: of 21 such capital appeals decided by the Fifth Circuit since 1976, 15, or 71.4 percent, were decided favorably to the death-sentenced individual, although one was later reversed by this court and another is presently pending on a grant of certiorari.

These very compelling statistics show the critical importance of habeas corpus being available in Federal courts to correct errors in capital cases committed in State courts.

Mr. President, when the Senate turns to consideration of Senate bill 1765, a bill to reinstitute the death penalty at the Federal level, I will be discussing many cases that I have researched in which an innocent person was convicted of a capital offense and was later found to be innocent.

As these cases will demonstrate, it very often takes years before the defendant is freed, innocent of having committed a crime. The convictions of these people are often the result of procedures at the State level which violate constitutional rights, such as a faulty identification of an innocent person as the perpetrator which is the result of unlawful suggestion by the police.

In other cases, newly discovered evidence has led to the release of an innocent person. The lengthy appeals process in capital cases has provided the opportunity for many of these errors to be detected and corrected before it is too late. Time is very often what is needed and time is provided because persons convicted of capital crimes normally have two separate channels of appeal—one in the State courts and one in the Federal courts through the writ of habeas corpus after their State claims have been exhausted.

We cannot hope to achieve a criminal justice system which is devoid of error, nor can we decrease our efforts to vigorously prosecute those which violate our country's criminal laws because of the risk of error, but we can provide every possible procedural safeguard for those who have been sentenced to die, certainly, and one of these safeguards has clearly been the right to have writs of habeas corpus considered by the Federal courts.

Mr. President, while I recognize that the committee's report on S. 1763 makes an attempt to provide such protection, it simply is not adequate and does not go far enough. I hope that the Senate will adopt the Baucus amendment to delete section 5(c) of the bill and protect the safeguard which has been in our laws for as long as this Senator can remember and which I know has protected people in the exercise of their constitutional rights and, indeed, has saved people from an otherwise wrongful execution.

Mr. CHILES addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. CHILES. Mr. President, I think we are ready to vote on this amendment and I do not want to delay that, but I did listen to the argument of the distinguished Senator from Michigan.

I know that he always approaches these questions with great concern.

Let me say to my distinguished colleague from Michigan, the term "reasonable" concerns me the other way. He worries about not defining the term, what that does to the Federal court's jurisdiction. My feeling is that under the term "reasonable" the Federal court can do anything that it wants to do. Certainly, we may be right back to where this amendment is not necessary because the Federal courts are going to say they are going to continue to do things just the way they have done them before.

I think what we do allow by the term is that we allow the Federal courts to say if they feel all of the State's process was reasonable and everything has taken place. You do not have to automatically go in and retry all of these facts. I have heard from many Federal district judges who say right now, they have no alternative. When the writ is filed, regardless of how frivolous they think the writ is and regardless of to what extent due process was afforded in the State courts. I do not think we can say that all of our State courts are kangaroo courts by any manner of means. In my State, we have a very strong court system. The States spend a lot of time in trying to pay adequate compensation and other things to judges to see that we have a good system.

I think what this says to a Federal court is if, in their opinion—and the word "reasonable" gives them all that latitude—if they think the State court has had a good process, they do not have to go through all of these steps again. To me, that has some merit. I would like to narrow the term. That is where I would differ some with my distinguished colleague.

A few years back, we never thought of the fact that you could retry everything in the Federal courts that had been tried in the State courts without clearly showing that there was some constitutional question or error of law or something. Now, the process has been built up through court decisions on the writ of habeas corpus—and I think it is because Congress has failed to act and has allowed this to happen by default. That is why the Chief Justice of the Supreme Court said we had to afford some relief. That is way many other members of the U.S. court and the Justices have said Congress needs to afford some relief. That is why the State Associations of Attorneys General have said they need to have some relief. That is why the district judges have said that.

I think the term "reasonable" is certainly not being defined. It does not take away any power from that Federal judge. In effect, it gives him tremendous power as to whether he wants, under that clause, to require the whole matter to be readjudicated.

Mr. LEVIN. If my friend from Florida will yield, I hope he is right, if we ever did adopt this kind of change in habeas corpus, that Federal courts would define that word to give them all the flexibility they need to do justice. I am very much afraid, though, that you can be reasonable and wrong.

That is the basic problem: What happens when a court is reasonable but it errs? According to the statistics, which I think are undisputed, in three-quarters of the cases which have been adjudicated, habeas corpus cases at the Federal level, Federal courts of appeal have decided in three-quarters of the capital cases they were in error. This applies to capital cases, and that is what we are talking about. Three-quarters of the cases adjudicated on the merits in capital cases, they have found in error.

If a court decides that a State court was reasonable but was wrong, we are going to find people being executed although their constitutional rights were violated. I hope my friend from Florida is right—I think he very well may be—that Federal courts are going to work that word "reasonable," the way they now work the habeas corpus process. I hope he is right. I know he hopes he is wrong on this, but I hope he is right. I think my fears will turn out to be very well justified.

I hope we do not pass this bill, because I do not think we should be writing laws that are that vague that affect constitutional rights. We should not be putting in words that are this vague, this unclear, this undefined, sticking in a word "reasonable" and hoping that somehow or other, we are going to make progress in this area.

Mr. BAUCUS. Will the Senator yield?

Mr. LEVIN. Yes, I am happy to yield, though I do not have the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. There is one point the Senator from Florida raises and I would like to discuss the point with him. The Senator from Florida is rightly very concerned about the lack of finality in all kinds of cases where convicted prisoners apply to Federal courts and make a mockery of the system. To the degree that that is an accurate description of reality, I share the concern of the Senator from Florida. I think every Member of this body shares that concern. I am going to ask the Senator from Florida, though, the degree to which he actually does believe that under present law, whenever a State prisoner files a petition for Federal habeas corpus in a Federal district court, the judge must give a full blown hearing on the allegations made by the prisoner, thereby taking up the Federal judge's time.

I ask that question because it is my very firm understanding that in almost every case today, when a State prisoner files a petition for Federal habeas corpus, that allegation never gets to a hearing in a Federal court. I say that because that is my experience, at least in the State of Montana. There may be other States that are different.

Here is what happens in almost every Federal habeas case. A State prisoner files a petition before a Federal judge alledging that his Federal constitutional rights were not maintained in the State court proceeding. In almost every case, the judge looks at the pleadings, looks at the petitions, and in almost every case, grants the State's motion to dismiss. It is a very rare case where, under the right of a de nova proceeding, there is a full-blown, a new trial again of a case.

Mr. CHILES. If I might just quickly answer the question, I will try not to prolong this debate. I say to my good friend from Montana that the Federal district courts may do differently in Montana. I have been told by a number of the Federal district court judges in my State what their feeling under the existing law is. If the petition is filed, unless there is some clear showing on the fact of the petition itself that would help them in disposing of it on the basis of being frivolous, if it alleges data that support it, their feeling is that they would have to hold at least preliminary hearings on it and could not dismiss it on its face. They have told me how much of their time is taken up on the basis of these writs being filed and refiled and refiled. That is part of the reason we have been talking about this over the years and why we needed this.

Mr. BAUCUS. I appreciate what the Senator is saying. I would like to make one final point. The chief justice of the Montana Supreme Court favors my amendment. He thinks it is wrong for Congress to limit the right the Federal habeas corpus to the degree that this bill would. I hope that his position and mine prevail here today.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. Mr. President, in a moment I intend to make a motion to table on which I anticipate a rollcall vote, but before I do that may I say I fully expect there will be at least one more vote, maybe two more votes, this afternoon. I am advised by the distinguished managers of the bill that there will be a requirement for a rollcall on final passage. I do not believe we know of any other amendments except this one. Then there will perhaps be another vote on another bill following on after this. So Senators should not assume that this is the only vote today. I expect at least one and perhaps two more votes.

Mr. President, unless somebody else is seeking recognition, I now move to

table the amendment and I ask for the yeas and nays.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. INOUYE (after having voted in the affirmative). On this vote I have a live pair with the Senator from New York (Mr. MOYNIHAN). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Nevada (Mr. HECHT), the Senator from Iowa (Mr. JEPSEN), the Senator from Wisconsin (Mr. KASTEN), the Senator from Nevada (Mr. LAXALT), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER), are necessarily.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), would vote "nay".

I further announce that, if present and voting, the Senator from Wisconsin (Mr. KASTEN) and the Senator from Nevada (Mr. LAXALT), would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Louisiana (Mr. LONG), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Maryland (Mr. SARBANES), are necessarily absent.

I further announce that the Senator from Tennessee (Mr. SASSER), is absent on official business.

I also announce that the Senator from Vermont (Mr. LEAHY), is absent because of illness in the family.

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

The PRESIDING OFFICER (Mr. RUDMAN). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 59, nays 17, as follows:

[Rollcall Vote No. 10 Leg.]

YEAS—59

Abdnor	Exon	Nunn
Andrews	Ford	Pressler
Baker	Garn	Quayle
Bingaman	Goldwater	Randolph
Boren	Gorton	Roth
Bumpers	Grassley	Rudman
Burdick	Hatch	Simpson
Byrd	Hawkins	Specter
Chiles	Heflin	Stafford
Cochran	Heinz	Stennis
Cohen	Helms	Stevens
D'Amato	Huddleston	Symms
Danforth	Humphrey	Thurmond
DeConcini	Johnston	Trible
Denton	Kassebaum	Tsongas
Dixon	Lugar	Wallop
Dole	Mattingly	Warner
Domenici	McClure	Wilson
East	Murkowski	Zorinsky
Evans	Nickles	

NAYS—17

Baucus	Levin	Packwood
Biden	Mathias	Pell
Boschwitz	Matsunaga	Proxmire
Chafee	Melcher	Riegle
Cranston	Metzenbaum	Weicker
Durenberger	Mitchell	

PRESENT AND GIVING A LIVE PAIR—1

Inouye, for.

NOT VOTING—23

Armstrong	Hecht	Long
Bentsen	Hollings	Moynihan
Bradley	Jepsen	Percy
Dodd	Kasten	Pryor
Eagleton	Kennedy	Sarbanes
Glenn	Lautenberg	Sasser
Hart	Laxalt	Tower
Hatfield	Leahy	

So the motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion to lay on the table was agreed to.

Mr. ROTH. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DENTON. Mr. President, I rise today to speak in support of S. 1763, commonly known as the Reform of Federal Intervention in State Proceedings Act. It is designed to reform certain habeas corpus procedures that are currently in effect.

The writ of habeas corpus originated in the common law. Its importance was recognized by our Founding Fathers when they included in our Constitution a provision that "the privileges of the writ of habeas corpus shall not be suspended, unless when in case of rebellion or invasion the public safety may require it." We know from history and the common law, however, that the habeas corpus proceedings to which the Founding Fathers referred in the Constitution were proceedings that sought an initial judicial determination of the legality of a detention imposed by an executive authority. The Founding Fathers did not have in mind proceedings that sought additional judicial reviews of the legality of a judicially imposed detention.

After the Constitution was ratified, the availability of habeas corpus in the Federal courts was restricted to Federal prisoners, and the common law restrictions on the scope of the writ were generally observed. Unfortunately, however, the common law origins of the writ were gradually eroded during the last hundred years or so through statutory and case law development. During the last 30 years, the writ of habeas corpus has routinely served as a means for the lower Federal courts to review State criminal judgments on the ground of alleged deprivation of Federal rights. It is that appalling situation that S. 1763 is designed to redress.

According to our country's leading legal scholars on Federal procedure, the single most controversial and friction-producing issue in the relationship between the Federal courts and the States is Federal habeas corpus for State prisoners. State courts resent having their decisions reviewed by Federal judges, who in turn are unhappy about the burden of reviewing thousands of mostly frivolous petitions.

Several Supreme Court Justices have strongly criticized the current system of Federal habeas corpus, and have called for basic limitations on its scope and availability. Chief Justice Burger has urged Congress to consider restricting the availability of Federal habeas corpus for State prisoners because, in his view, "the administration of justice in this country is bogged down with lack of finality of judgments in criminal cases." As Justice Powell observed over 10 years ago in his opinion in Schneckloth against Bustamonte:

> The present scope of habeas corpus tends to undermine the values inherent in our federal system of government. To the extent that every state criminal judgment is to be subject indefinitely to broad and repetitious federal oversight, we render the actions of state courts a serious disrespect in derogation of the constitutional balance between the two systems.

It is to that very problem, so eloquently expressed by distinguished Supreme Court jurists, that S. 1763, is addressed.

The bill establishes a standard for reviewing habeas corpus proceedings by according deference to State adjudications that are "full and fair." That would be a vast improvement over the current rules, which provide, through habeas corpus proceedings, for mandatory readjudication, and that frequently result in duplicative relitigation of claims that have already been fairly considered by State trial and appellate courts.

The bill also would resolve the major uncetainties about access to Federal collateral remedies after a failure to raise a claim properly in normal criminal proceedings. It does that by establishing "cause and prejudice" as the exclusive governing standard.

In addition, the bill would establish a 1-year time limit on access to Federal habeas corpus for State prisoners, normally running from the time State remedies are exhausted. For similar purposes, it would prescribe a 2-year time limit on applications for collateral relief by Federal prisoners normally running from finality of judgment.

The bill also addresses two technical issues that need to be remedied. First, it would make it clear that a habeas corpus petition can be denied on the merits, notwithstanding the petitioner's failure to exhaust available State remedies. That change would eliminate the waste of time and effort that currently occurs when a frivolous petition is dismissed by a Federal court on grounds of nonexhaustion of State remedies but is later brought back to Federal court following its unsuccessful presentation.

Second, the bill would change the current rule that gives a State prisoner in a habeas corpus proceeding repeated opportunities to persuade a Federal district judge and then a circuit judge that an appeal is warranted. Similarly, it would bring the procedure governing access to appeal in collateral proceedings involving Federal prisoners into line with the procedure employed for habeas corpus proceedings for State prisoners.

I believe that S. 1763 represents a rational, reasoned approach to a problem that has been developing for more than a century, a problem so great that it has led our country's leading jurists to ask us for specific legislative relief. I therefore ask my colleagues to support the bill in order to facilitate the ability of our judicial system to dispense justice, to all our citizens instead of unnecessarily wasting time and effort on a few people who exploit procedural loopholes in the law.

Mr. DOLE. Mr. President, I would take this opportunity to make a brief statement in support of the passage of S. 1763, the Reform of Federal Intervention in State Proceedings Act. The purpose of this bill, sponsored by Senators THURMOND, LAXALT, and others, is quite simply to bring about a greater measure of comity between State and Federal courts in the area of collateral review of State criminal convictions. The legislation, supported by the National Association of Attorneys General, will correct a number of longstanding problems that have existed in this area and its consideration by the Senate is long overdue.

The current state of the law governing Federal habeas review of criminal convictions obtained in State courts can be succinctly summarized as follows: There are too many Federal courts conducting full-blown retrials of State criminal cases under the guise of habeas review. This practice denigrates the stature of the criminal trial courts of the various States; adds to the already burdensome workload of the Federal courts, necessitating the appointment of additional Federal judges; unduly delays the final resolution of State criminal prosecutions; and deprives the State criminal justice systems of a great measure of administrative control which is vital to the proper functioning of those systems.

The disaffection of State officials, including State judges and attorneys general, with the present system of Federal habeas corpus review was amply confirmed in the course of the Judiciary Committee's consideration of S. 1763 and its predecessors. Moreover, Federal judges have been equally emphatic in their calls for reform. One eminent Federal jurist has characterized the present system of collateral attack as a "gigantic waste of effort." Substantially the same sentiments have been expressed by a majority of the Justices of the Supreme Court, who have called for basic limitations on the scope and availability of Federal review of State criminal convictions via the avenue of habeas petitions. Chief Justice Burger, for example, has urged Congress to consider restricting narrowly the availability of Federal habeas for State prisoners, stating that "the administration of justice in this country is plagued and bogged down with lack of reasonable finality of judgments in criminal cases."

To correct these problems, the bill would establish an appropriate standard of review for Federal habeas proceedings which concern a State conviction. That standard would accord deference to the results of State adjudications of issues which arise in the context of a State criminal prosecution where the defendant had a full and fair opportunity to raise the issue which is later placed before the Federal court. This one amendment in the law would overturn present procedures which produce results that border on the absurb, such as the reversal of judgments many years after the normal conclusion of State proceedings on grounds that often constitute no more than reasonable differences of opinion concerning close or unsettled questions in the interpretation or application of Federal constitutional law—questions which, in some cases, the Federal courts themselves disagree upon.

The bill would accomplish many other salutary changes in the law, such as imposing a statute of limitations upon the filing of habeas petitions where the grounds were known to the convicted offender years before the petition is filed; and refining exhaustion requirements. Of course, the bill provides protections to insure that any legitimate claim that the defendant did not have an opportunity to raise and have considered in the State proceedings—or in prior Federal proceedings—will receive a fair hearing.

Mr. President, I am satisfied that the bill is a reasonable and responsible attempt to correct the problems that now surround Federal court consideration of habeas claims that arise from State criminal proceedings. I join with the distinguished chairman of the Senate Judiciary Committee and others in urging passage of the legislation.

Thank you, Mr. President.

Mr. BAKER. Mr. President, I know of no other amendments. If there be no other amendments, I ask for third reading.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

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

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

The yeas and nays were ordered.

Mr. BYRD. Mr. President, I take the floor now to ask the majority leader what the schedule for the remainder of the day and tomorrow is.

Mr. BAKER. I thank the minority leader.

Mr. President, the managers I believe next want to go to the exclusionary rule. Apparently, there is going to be a rollcall vote required on that. I doubt that we can get it in this afternoon.

What the leadership on this side wishes to do is after this final passage vote get that bill laid before the Senate and maybe get a time certain for a vote tomorrow, although I am not sure whether there is going to be amendments or not.

I wonder if the Senator will yield to me long enough to ask the distinguished managers if they know of any amendments.

Mr. THURMOND. Mr. President, I do not know of any on our side.

Mr. BIDEN. Mr. President, I do not know of any on our side.

With regard to the time that will be taken by this, I do not expect there will be much time taken. I know of no one who is going to attempt to delay a vote. I expect it will be a couple hours max.

But I see the Senator from Maryland taking the floor.

Mr. MATHIAS. Mr. President, I do not want to be in any great hurry about it. It is a matter that is before the court on several important cases at the moment.

I would think the Senate would want to move with all deliberate speed, but I would emphasize "deliberate."

Mr. BAKER. Mr. President, before I get in any deeper, let me respond to the minority leader by saying what the leadership on this side would like to do then is get this vote and then attempt to lay before the Senate the exclusionary rule with the expectation it may be tomorrow morning before we can finish it.

Mr. BYRD. Mr. President, does the majority leader have an idea at this time when the Senate will come in tomorrow?

Mr. THURMOND. How about 10 a.m.?

Mr. BAKER. I do not know.

I wonder if I could confer with the minority leader about that in just a moment.

Mr. BYRD. I thank the majority leader, and I yield the floor.

Mr. BAKER. Mr. President, then, under these circumstances, no more rollcall votes will occur today after the one about to occur now.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MATSUNAGA (after having voted in the affirmative). On this vote, I have a pair with the distinguished Senator from Massachusetts (Mr. KENNEDY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "aye." I withdraw my vote.

Mr. STEVENS. I announce that the Senator from Colorado (Mr. ARMSTRONG), the Senator from Oregon (Mr. HATFIELD), the Senator from Nevada (Mr. HECHT), the Senator from Iowa (Mr. JEPSEN), the Senator from Wisconsin (Mr. KASTEN), the Senator from Nevada (Mr. LAXALT), the Senator from Illinois (Mr. PERCY) and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD), would vote "nay."

I further announce that, if present and voting, the Senator from Wisconsin (Mr. KASTEN) and the Senator from Nevada (Mr. LAXALT) would each vote "yea."

Mr. CRANSTON. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from New Jersey (Mr. BRADLEY), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Ohio (Mr. GLENN), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from New York (Mr. MOYNIHAN), the Senator from Arkansas (Mr. PRYOR), the Senator from Maryland (Mr. SARBANES), and the Senator from Louisiana (Mr. LONG) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. SASSER) is absent on official business.

I further announce that the Senator from Vermont (Mr. LEAHY) is absent because of illness in the family.

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

The result was announced—yeas 67, nays 9, as follows:

[Rollcall Vote No. 11 Leg.]

YEAS—67

Abdnor	Ford	Pell
Andrews	Garn	Pressler
Baker	Goldwater	Proxmire
Baucus	Gorton	Quayle
Bingaman	Grassley	Randolph
Boren	Hatch	Riegle
Bumpers	Hawkins	Roth
Burdick	Heflin	Rudman
Byrd	Heinz	Simpson
Chafee	Helms	Specter
Chiles	Huddleston	Stafford
Cochran	Humphrey	Stennis
Cohen	Inouye	Stevens
D'Amato	Johnston	Symms
Danforth	Kassebaum	Thurmond
DeConcini	Lugar	Trible
Denton	Mattingly	Tsongas
Dixon	McClure	Wallop
Dole	Mitchell	Warner
Domenici	Murkowski	Wilson
East	Nickles	Zorinsky
Evans	Nunn	
Exon	Packwood	

NAYS—9

Biden	Durenberger	Melcher
Boschwitz	Levin	Metzenbaum
Cranston	Mathias	Weicker

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Matsunaga, for.

NOT VOTING—23

Armstrong	Hecht	Long
Bentsen	Hollings	Moynihan
Bradley	Jepsen	Percy
Dodd	Kasten	Pryor
Eagleton	Kennedy	Sarbanes
Glenn	Lautenberg	Sasser
Hart	Laxalt	Tower
Hatfield	Leahy	

So the bill (S. 1763), as amended, was passed, as follows:

S. 1763

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 "Reform of Federal Intervention in State Proceedings Act of 1984".

SEC. 2. Section 2244 of title 28, United States Code, is amended by adding at the end thereof the following new subsections:

"(d) When a person in custody pursuant to the judgment of a State court fails to raise a claim in State proceedings at the time or in the manner required by State rules of procedure, the claim shall not be entertained in an application for a writ of habeas corpus unless actual prejudice resulted to the applicant from the alleged denial of the Federal right asserted and—

"(1) the failure to raise the claim properly or to have it heard in State proceedings was the result of State action in violation of the Constitution or laws of the United States;

"(2) the Federal right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"(e) A one-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitation period shall run from the latest of the following times:

"(1) the time at which State remedies are exhausted;

"(2) the time at which the impediment to filing an application created by State action in violation of the Constitution or laws of the Unted States is removed, where the applicant was prevented from filing by such State action;

"(3) the time at which the Federal right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercies of reasonable diligence.".

SEC. 3. Section 2253 of title 28, United States Code, is amended to read as follows:

"§ 2253. Appeal

"In a habeas corpus proceeding or a proceeding under section 2255 of this title before a circuit or district judge, the final order shall be subject to review, on appeal, by the court of appeals for the circuit where the proceeding is had.

"There shall be no right of appeal from such an order in a proceeding to test the vailidity of a warrant to remove, to another district or place for commitment or trial, a person charged with a criminal offense against the United States, or to test the validity of his detention pending removal proceedings.

"An appeal may not be taken to the court of appeals from the final order in a habeas corpus proceeding where the detention complained of arises out of process issued by a State court, or from the final order in a proceeding under section 2255 of this title, unless a circuit justice or judge issues a certificate of probable cause.".

SEC. 4. Federal Rule of Appellate Procedure 22 is amended to read as follows:

"Rule 22.

"HABEAS CORPUS AND § 2255 PROCEEDINGS

"(a) Application for an Original Writ of Habeas Corpus. An application for a writ of habeas corpus shall be made to the appropriate district court. If application is made to a circuit judge, the application will ordinarily be transferred to the appropriate district court. If an application is made to or transferred to the district court and denied, renewal of the application before a circuit judge is not favored; the proper remedy is by appeal to the court of appeals from the order of the district court denying the writ.

"(b) Necessity of Certificate of Probable Cause for Appeal. In a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court, and in a motion proceeding pursuant to section 2255 of title 28, United States Code, an appeal by the applicant or movant may not proceed unless a circuit judge issues a certificate of probable cause. If a request for a certificate of probable cause is addressed to the court of appeals, it shall be deemed addressed to the judges thereof and shall be considered by a circuit judge or judges as the court deems appropriate. If no

express request for a certificate is filed, the notice of appeal shall be deemed to constitute a request addressed to the judges of the court of appeals. If an appeal is taken by a State or the government or its representative, a certificate of probable cause is not required.".

SEC. 5. Section 2254 of title 28, United States Code, is amended by redesignating subsections "(e)" and "(f)" as subsections "(f)" and "(g)", respectively, and is further amended—

(a) by amending subsection (b) to read as follows:

"(b) An applications for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State, or that there is either an absence of available State corrective process or the existence of circumstances rendering such process ineffective to protect the rights of the applicant. An application may be denied on the merits notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the States.";

(b) by redesignating subsection "(d)" as subsection

"(e)", and amending it to read as follows:

"(e) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a State court, a full and fair determination of a factual issue made in the case by a State court shall be presumed to be correct. The applicant shall have the burden of rebutting this presumption by clear and convincing evidence."; and

(c) by adding a new subsection (d) reading as follows:

"(d) An application for a writ of habeas corpus in behalf of a person in costody pursuant to the judgment of a State court shall not be granted with respect to any claim that has been fully and fairly adjudicated in State proceedings.".

SEC. 6. Section 2255 of title 28, United States Code, is amended by deleting the second paragraph and the penultimate paragraph thereof, and by adding at the end thereof the following new paragraphs:

"When a person fails to raise a claim at the time or in the manner required by Federal rules of procedure, the claim shall not be entertained in a motion under this section unless actual prejudice resulted to the movant from the alleged denial of the right asserted and—

"(1) the failure to raise the claim properly, or to have it heard, was the result of governmental action in violation of the Constitution or laws of the United States:

"(2) the right asserted was newly recognized by the Supreme Court subsequent to the procedural default and is retroactively applicable; or

"(3) the factual predicate of the claim could not have been discovered through the exercise of reasonable diligence prior to the procedural default.

"A two-year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of the following times:

"(1) the time at which the judgment of conviction becomes final;

"(2) the time at which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, where the movant was prevented from making a motion by such governmental action;

"(3) the time at which the right asserted was initially recognized by the Supreme Court, where the right has been newly recognized by the Court and is retroactively applicable; or

"(4) the time at which the factual predicate of the claim or claims presented could have been discovered through the exercise of reasonable diligence.".

Mr. THURMOND. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. BIDEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I voted against final passage of S. 1763, the bill to reform Federal habeas corpus proceedings because the limitations which the bill places on the "great writ" would undermine its role as a final bulwark against violations of the U.S. Constitution. Specifically, section 5(c) of the bill strikes at the core of the protection the writ provides against deprivation of constitutional rights in denying prisoners access to Federal courts to pursue violations of their constitutional rights.

I agree with the proponents of this legislation that there are currently abuses of the great writ and that those abuses should be corrected. However, I cannot support legislation which is so vague that it either will fail to achieve its stated goal or place in jeopardy the constitutional rights we cherish.

ORDER OF PROCEDURE

Mr. BAKER. Mr. President, I have consulted with the minoirty leader about the next bill in this package that the managers would like to take up, which is the exclusionary bill, Calendar Order No. 355. I hope we can get some debate out of the way on that today and that in the morning we may be able to set a time certain for a vote. I do not anticipate it will take very long to complete this bill. There probably will be a rollcall vote on passage.

EXCLUSIONARY RULE LIMITATION ACT

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar Order No. 355, S. 1764.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (S. 1764) to amend title XVIII to limit the application of the exclusionary rule.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to the bill.4

Mr. THURMOND. Mr. President, S. 1764 is one of a series of important measures reported to the Senate by the Committee on the Judiciary to enhance the enforcement of the criminal laws. This bill would change the current case law with respect to the admission of illegally seized evidence in a criminal trial so as to permit such use if the evidence is obtained by a law enforcement officer acting with a reasonable good faith belief that his conduct conforms with the fourth amendment. Is also creates a presumption that the test is satisfied if the evidence was obtained pursuant to and within the scope of a judicial warrant, unless the warrant was obtained through intentional and material misrepresentation.

Mr. President, this is a modest effort to make the application of the so-called exclusionary rule consistent with the modern rationale for the rule enunciated by the Supreme Court—the deterrence of unlawful police conduct. I, personally, would prefer to abolish the exclusionary rule altogether and substitute effective alternative civil remedies. Such an approach, however, might require more time for consideration and debate than is available now, and it is important to enact meaningful legislation as soon as possible.

Mr. President, the committee report explores in detail the history of the exclusionary rule and the modern rationale for the rule. In essence, the Supreme Court in recent years has approached the extension of the rule through a cost-benefit analysis under which it has refused to suppress illegally seized evidence where the adverse impact of excluding relevant evidence from a judicial proceeding outweighs the theoretical deterrent effect on police conduct. This line of cases clearly shows that the Court considers the exclusionary rule as a judge-created remedy in the nature of a rule of evidence justified on the ground that it is needed to deter the police from violating the fourth amendment.

Mr. President, the committee applied the balancing approach of the Supreme Court to the searches and seizures encompassed by S. 1764 and concluded that "any fair analysis reveals that the costs of the exclusionary rule far outweigh its presumed benefit when applied to reasonable good faith police conduct that may, in retrospect, be deemed by the courts to be illegal." Indeed, it is, as Mr. Justice White has observed, painfully clear that suppression of evidence seized by a conscientious police officer acting as a reasonable officer would and should act under the circumstances can in no way affect his future conduct—unless it is to make him less willing to do his duty. Moreover, no case can be made on a deterrence theory for suppressing evidence seized pursuant to a judicially issued search warrant obtained without material and intentional misrepresentation. Chief Justice Burger stated the obvious when he character-

ized the use of the exclusionary rule as a sanction in such cases as "nothing less than sophisticated nonsense" because a police officer will never be deterred from executing a warrant held valid by a judge.

On the other hand, Mr. President, the harm caused by the exclusionary rule on the criminal justice system is conceded and is high. First, and the most obvious, is that the truth-finding process is deflected and the trier of fact is deprived of relevant, and often conclusive, evidence. In many cases, the guilty may go free.

Second, application of the exclusionary rule to reasonable good faith conduct may be expected to have a chilling effect on legitimate police activities as the police try to play it safe, thereby preventing effective legitimate law enforcement activities the community is entitled to expect.

Third, the application of the exclusionary rule to circumstances not meaningfully related to the purpose of the rule may undermine public confidence in and respect for the criminal justice system. This is particularly true when the errors of the police officer are minor and conclusive evidence of guilt is suppressed with respect to a serious violent crime.

Fourth, suppression motions are a major burden on law enforcement and judicial resources that serve no useful purpose when applied to reasonable good faith police conduct that is not meaningfully susceptible to being deterred.

Finally, I believe the exclusionary rule undermines fourth amendment values by fostering complex, confusing, and unpredictable rules of decision that encourage judges, reluctant to free the obviously guilty defendant, to make even finer distinctions and nuances to justify admitting the evidence, particularly in serious cases.

Mr. President, there are other harmful effects of the exlusionary rule. The ones I have mentioned, however, are sufficient to demonstrate the sound basis for enacting S. 1764.

In sum, Mr. President, the committee has concluded that the costs of excluding highly relevant, and often conclusive, evidence from the criminal trial far outweigh any theoretical deterrent value with respect to the reasonably well-trained police officer who, in good faith, believes he is acting in conformity with the fourth amendment.

I urge my colleagues to vote for this important measure.

● Mr. DOLE. Mr. President, I wish to comment briefly on the merits of S. 1764, the Exclusionary Rule Limitation Act, and explain why I believe that this bill should be favorably acted upon by the Senate.

The U.S. Supreme Court has repeatedly stated that the principal rationale underlying the exclusionary rule is the objective of deterring intentional police misconduct. Thus, the Court has implied by its decisions applying the rule that officers acting in good faith believe that their actions are legal should not suffer the consequences of the application of the exclusionary rule to evidence they obtain in a search later invalidated on technical grounds. Nevertheless, lower courts have consistently applied the rule in such circumstances. The purpose of the bill is to end that practice, and I believe that it is long overdue.

Search and seizure law is so confusing, so technical, and contains so many fine lines of distinction precisely because we have an exclusionary rule of evidence. The Constitution is clear: No search shall be conducted, nor seizure effected, by warrant except upon probable cause, stated under oath or affirmation. The same standard has generally governed search incident to arrest. The intent of the framers of the fourth amendment was clearly to erect a bar against overzealous prosecutors who would use the power of the law to indiscriminately harass the private citizen without justification. It was never the intent of the drafters, however, to allow the guilty defendant to go free because of some technical aberration in the preparation or execution of a warrant which does not affect the validity of probable cause underlying its issuance. Yet this is the situation which prevails in our courts today.

In short, Mr. President, the exclusionary rule distorts and corrupts the standards which ought to govern search and seizure under the Constitution. If it were not for the rule, there would not be the squirming around by trial judges to find some minor distinction in order to prevent an obviously guilty defendant from going free, nor later would there be the necessary repair work by the Supreme Court to keep intact reasonable rules of search and seizure under the fourth amendment.

The bill before the Senate now would correct this problem by enacting a new section 3505 of Title 38, United States Code, to limit the application of the judicially created rule in such a way that a search or seizure undertaken in a reasonable, good faith belief that it was in conformity with the fourth amendment would not result in the exclusion of probative evidence from the trier of fact. And, the bill would further provide that evidence obtained pursuant to and within the scope of a warrant constitutes prima facie evidence of such a reasonable, good faith belief unless the warrant was obtained through intentional and material misrepresentation. The bill, in my view, constitutes a reasonable solution to the problems that have resulted from overeager application of the rule by courts and I believe that it should be approved by this body.

Other solutions—rejected by the committee—would have more severely reduced the scope of the rule, or abolished it altogether. I believe that these approaches would not have been wise and I expressed those views in committee. But the legislation before us now strikes the proper balance between the interests of the public and the rights of defendants, and would provide greater protection for the public and while in no way impairing the integrity of our criminal justice system.

I thank the Chair.●

● Mr. LAXALT. Mr. President, no legal issue has received more public attention than the exclusionary rule. The rule operates to exclude from the trial evidence obtained in violation of the fourth amendment prohibition against unreasonable searches and seizures.

The Supreme Court adopted the rule to deter police misconduct. In the 70 years since its adoption, however, it has become apparent that the rule has very high costs. The evidence excluded is usually the most probative of guilt; hence, many criminals go free. These miscarriages of justice endanger the community and undermine public confidences in our criminal justice system. This is especially troubling in situations where a well-trained law enforcement officer conducts a search he genuinely believes is constitutional. The rule cannot possibly deter such good faith conduct. It is evident, then, that its application in such circumstances extracts a high cost but produces no benefit.

To redress this imbalance between costs and benefits, the Judiciary Committee considered abolishing the rule altogether and substituting a constitutional tort claims remedy against the Government. S. 1764, however, retains the exclusionary rule but limits its application to evidence obtained by an officer acting unreasonably or in bad faith. This is the only kind of police conduct that the exclusionary rule can deter.

Those who oppose this legislation raise two major objections. First, opponents argue that the rule is constitutionally mandated. It is clear from the Supreme Court cases, however, that the exclusionary rule is only a judicially selected remedy to deter police misconduct. This legislation represents a congressional declaration that the rule cannot deter good faith, objectively reasonable conduct that is later found to be unconstitutional.

Second, it is argued that this proposal places a premium on police ignorance, that an officer completely ignorant of fourth amendment law can honestly claim he acted in good faith. The subjective good faith test, however, is only a part of the standard. The conduct must also meet an objective test of reasonableness. The untrained

officer ignorant of the fourth amendment would not meet the objective test no matter how sincerely he believed that his conduct was constitutional.

Those who fear the exclusionary rule will destroy the fourth amendment guarantee against unreasonable searches and seizures should note that the United States is the only civilized country with such a rule. Great Britain and Canada are hardly examples of police states. Moreover, search and seizure law is extremely complex. The Supreme Court often decides cases by a 5-4 margin. If nine justices steeped in the intricacies of fourth amendment law cannot, after considered reflection, agree on a result, an officer cannot be expected to grasp a fine distinction in the heat of the moment.

The present exclusionary rule is simply too broad, and we all pay a high price for its misapplication. Congress must act to limit the rule to situations where its cost produces a corresponding benefit.●

Mr. THURMOND. Mr. President, before we recess until tomorrow, I wish to speak on an editorial which appeared in the the Washington Post today about the crime package—S. 1762—that the Senate passed last Thursday.

The Washington Post does not always see eye to eye with the Judiciary Committee or with the Senator from South Carolina, but I was very pleased to read in the Washington Post today, February 6, 1984, an editorial entitled "DOA in the House?"

DOA IN THE HOUSE?

Does the idea of a comprehensive revision of the federal criminal code sound familiar? It should. It's been kicking around Capitol Hill since 1966, when a national commission was created to review the law and prepare a recodification. In 1971, President Nixon established a special unit in the Justice Department to continue the work of the commission, and in 1973 a bill was introduced by Sens. Hruska and McClellan. It has been reintroduced in one form or another in every Congress since.

The Senate has a history of giving serious consideration to criminal code revision. Why shouldn't it? The subject is of paramount interest to voters, the proposals are the product of long years of expert deliberation and wide-ranging hearings, and the legislative documents themselves offer tens of thousands of pages of information and recommendations. The country has invested both resources and talent in this effort, and it is certainly worthy of consideration by Congress. Why, then, when the bill passed the Senate once again last week, did some House wag pronounce it "deal on arrival" in that chamber? It seems that the House "dosen't like the comprehensive approach" and prefers to consider each change in the criminal law as an individual matter.

Over the past 18 years, proponents of comprehensive reform have made concessions in order to build consensus. This year, for example, they took a number of controversial subjects out of the bill—capital punishment, the exclusionary rule and control of the drug enforcement program, to name a few. Still, the remaining 387-page measure dealt with dozens of important issues. Sentencing and parole, bail procedures, organized crime, the insanity defense and assistance to state and local law enforcement organizations were all included. After five days of debate the measure was passed by the Senate on a vote of 91-1, a fair indication of bipartisan consensus.

Great credit is due the Senate coalition led by Sens. Thurmond and Biden, who had to bargain, negotiate and compromise with opponents on both ends of the political spectrum to win passage of the bill. If they are exasperated by the cavalier decision of some House members not even to look at this package seriously, it is understandable. It won't do to pick one or two items out of hundreds of reforms and throw the rest out without any consideration. The bill put together after more than a decade of work and passed by an almost unanimous Senate deserves a respectful hearing and a thorough debate by the House.

Mr. President, I want to give credit to the Washington Post for this editorial which I think signifies the public sentiment on this bill from almost all points of view. Now, S. 1762 was not really a part of the Criminal Code revision effort, such as S. 1630 last Congress. We will come back to that in the future. Right now we are dealing with a package that contains many of the provisions that were in the recodification bills—such as bail, sentencing, and forfeiture—and extracted those and put them in this package. We hope we can pass these measures now and at some time in the future return to the effort to modernize and revise the whole Federal criminal law. In fact, enactment of S. 1762 should facilitate ultimate Federal Criminal Code revision because many of the important things would already be the law. I am very, very pleased this package has passed the Senate. I hope that S. 1762 will pass the House. The chairman of the Judiciary Committee, I am sure, will give the matter careful consideration, and we hope he will see fit to parcel out to the various subcommittees the provisions of this package for which each subcommittee has jurisdiction, and then, after they have acted, to reassemble them in the package for House action.

We hope the Speaker will bring it up for action.

Then, Mr. President, if there are any differences from the Senate bill, we can go to conference and settle those differences.

Mr. President, I am very pleased to see this editorial. I think it speaks the sentiment of the public in every State in this Nation to get something done to relieve the crime situation.

Mr. President, crime has been rampant in this Nation. An aggravated assault is committed in this country every 49 seconds; a robbery every 59 seconds; a forcible rape every 7 minutes; a murder every 25 minutes. Those are violent crimes. These are classified as violent crimes. Mr. President, there were 1,285,705 violent crimes committed in 1982 as reflected in the 1982 FBI Major Crimes Index reports. That is in addition to property crimes. There is a motor vehicle theft committed every 30 seconds; a larceny theft every 4 seconds; a burglary every 9 seconds. Property crimes aggregated over 11,571,513 in 1982. There is a violent crime committed in this Nation every 25 seconds, less than every half a minute. There is a property crime committed every 3 seconds.

Now, Mr. President, there really is no excuse for this Congress not taking action to relieve this situation. The public wants it done, the administration wants it done, the Justice Department has made recommendations, the Senate Judiciary Committee has acted, the full Senate has acted, and we plead with the House, we plead with the Speaker, we plead with the chairman of the Judiciary Committee and the entire House to please take action on this crime package this session of Congress.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend past 5:20 p.m., in which Senators may speak.

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

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROTH, from the Committee on Governmental Affairs:

Special report entitled "Activities of the Committee on Governmental Affairs". (Rept. No. 98-352).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM (for herself and Mr. HEINZ):

S. 2257. A bill entitled the "Senior Citizens Tax Improvement Act"; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2258. A bill to grant a Federal charter to the 369th Veterans' Association; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself and Mr. HEINZ):

S. 2257. A bill entitled the "Senior Citizens Tax Improvement Act"; to the Committee to Finance.

SENIOR CITIZENS TAX IMPROVEMENT ACT

Mrs. KASSEBAUM. Mr. President, every so often a constituent comes to a Member of Congress with a problem that makes your blood boil. That happened to me a few months ago, when an 82-year-old women arrived at my Kansas City office.

In her hand was a startling notice from the Internal Revenue Service about the tax return filed by her 84-year-old sister, who is confined to a wheelchair. In simple form, here is what the notice said:

Tax owed	$515.00
Tax paid	514.40
Underpayment	.60
Penalty	50.24
Interest	.04
Amount due	50.88

I hope that every Member of the Senate is as startled, and as dismayed, by those numbers as I was. This woman had underpaid her taxes by 60 cents and she was billed for penalty and interest totaling $50.28. Those figures are so excessive, so absurd that I was ready to flay the hide of the first IRS official I could reach.

Unfortunately, Mr. President, when my staff talked with the IRS office in Austin, Tex., we found that the problem was far worse than even those figures suggested. What I learned is that this was not an IRS mistake, nor was it bureaucratic zeal. Even worse, the IRS said that this problem is not new, and it is not unique. An estimated 300,000 elderly taxpayers are billed for this same kind of penalty each year, despite generally conscientious efforts to pay their fair share of taxes.

IRS officials were completely sympathetic to the problem of my constituent. They agreed that in this case, and nearly all others like it, the penalty should be waived since there was no intent to evade taxes. Here is the catch, Mr. President. Under current tax law, the IRS has no authority to waive these penalties. They would like to, but they cannot because of laws that we in Congress have passed.

So that every Senator can understand what is going on, let me briefly describe what happened to my constituent in Kansas City. For most of her life, she had income taxes withheld from wages and salary. After she retired, she lived on interest income, which was never enough to require the payment of taxes. Then, last year, she was forced to sell some of her securities to make ends meet. This one-time transaction increased her income for that year, so she filed an income tax return and paid what she thought was due. She underpaid by 60 cents. But that was not the problem.

According to IRS, the problem was that she had not filed a quarterly estimated tax return. She didn't file it because she had never heard of it. She had never had enough income from interest or dividends to even be aware that an estimated tax payment was required. That is true of millions of Americans, who are used to having income taxes withheld from wages but are not familiar with estimated tax returns on other forms of income. Most Americans never learn about those requirements until they retire and begin drawing on their life's savings to live. Like this woman in Kansas City, that is when they get a tax bill with a penalty they never expected.

By working with the IRS, my staff was able to get the penalty reduced for this constituent. It turned out that IRS had applied a penalty for the entire tax year when in fact she owed it only for one quarter. However, the IRS could not waive that portion of the penalty, and she was forced to pay it.

Mr. President, when a law is unfair, it is up to the Congress to change it. This law is patently unfair. The IRS agrees that it is, I believe the administration will agree that it is, and I believe most of the Members of this Congress will agree that it is. I believe every American, regardless of age, should pay their fair share of taxes. Most elderly American's do that—or at least try to. But they should not be hit with outlandish penalties for failing to memorize the Federal Tax Code.

Unfortunately, this is not the first time this problem has been brought to the attention of the Congress. In 1982, the Senator from Pennsylvania (Mr. HEINZ) introduced legislation to allow the IRS to waive estimated tax penalties for elderly or retired citizens, if the failure to file was not due to willful neglect. Despite Mr. HEINZ's efforts, this problem is still unresolved 2 years later.

Along with Senator HEINZ, I am introducing legislation today to take care of this problem. It is time for the Congress to take action, and we should do it now.

Failure to address this situation will continue an undue and unfair hardship on many law-abiding elderly citizens. I urge support for this legislation and ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 6654 of the Internal Revenue Code of 1954 (relating to failure by individuals to pay estimated income tax) is amended by adding at the end thereof the following new subsection:

"(i) EXCEPTION FOR ELDERLY OR RETIRED TAXPAYERS.—

"(1) IN GENERAL.—Under regulations prescribed by the Secretary, the addition to tax with respect to any underpayment of estimated tax (or any portion thereof) shall not be imposed under subsection (a) if the Secretary finds that—

"(A) the taxpayer is retired or at least 65 years of age, and

"(B) such underpayment (or any portion thereof) was due to reasonable cause and not to willful neglect.

"(2) REASONABLE CAUSE.—If any portion of an underpayment of estimated tax by the taxpayer is due to mistake or ignorance of the law on the part of such taxpayer, such underpayment shall be treated, for purposes of paragraph (1), as due to reasonable cause and not willful neglect."

(b) Section 6654(a) of such Code (relating to addition tax tax) is amended by inserting ", (f), or (i)" after "subsection (d)."

(c)(1) The amendments made by this Act shall apply to estimated tax for taxable years beginning after December 31, 1983.

(2) The Secretary of the Treasury shall issue the regulations required under section 6654(i) of the Internal Revenue Code of 1954 by no later than December 31, 1984.

Mr. HEINZ. Mr. President, I am pleased to join with my distinguished colleague, Senator KASSEBAUM, in introducing this legislation, which I originally introduced in 1982. This legislation will have a beneficial impact on hundreds of thousands of elderly and retired Americans, through a small improvement of the Tax Code.

The bill amends the Tax Code's penalties for failure to pay estimated tax by allowing the Internal Revenue Service to waive or reduce the penalties for elderly and retired people where there is "reasonable cause." Without this bill, the elderly will have to bear the burden of $40 million in tax penalties that they can ill afford and which, in most cases, should not be inflicted upon them because of innocent mistakes.

The problem is this: Many elderly people shift from wage earner to retiree status, and their taxable income from pensions, dividends, and interest is not subject to withholding. These newly retired people are often unaware that the IRS requires them to make a declaration of estimated tax and pay regular, quarterly tax payments. When tax time comes along, these people fill out their returns and pay what taxes they owe. But later, they get a letter from the IRS computers notifying them that they have not complied with the rules on estimated tax, and that they must pay a penalty—which IRS has no discretion to waive.

Thus, retired Americans who have paid taxes properly all their lives suddenly end up with the unwelcome surprise that they are being penalized on account of a provision they were unaware of—because it never really applied to them before. In 1979, about

313,000 tax returns incurred estimated tax penalties primarily because of taxable pensions.

The penalty problem is also more urgent now, because the IRS has announced that the interest rate on tax underpayments, which is the basis for the penalty for failure to pay estimated tax, has risen from 12 to 20 percent, effective February 1, 1982. Whether or not the higher interest rate may be justified for general tax policy, the 20-percent charge is altogether usurious in the case of elderly people, whose limited income from savings has already been penalized by high rates of inflation. Further, because the code treats this interest charge as a penalty, it is not deductible from the following year's taxes—as all other interest charges are.

The Economic Recovery Tax Act of 1981 (ERTA) contained provisions that raise the tax threshold liability for required payment of estimated tax, from $100 in 1981 to $200 in 1982, $300 in 1983, $400 in 1984, and $500 in 1985 and thereafter.

The ERTA provision originated in the House version of the tax bill, and the legislative history is germane. In its report on H.R. 4242, the House Ways and Means Committee stated its concern that—

> The $100 tax liability threshold for filing estimated taxes is too low.
>
> Often individuals with modest amounts of income that is not subject to withholding discover that they either must declare and pay estimated taxes or subject themselves to penalties for failure to do so. Accordingly, the committee has agreed to raise the tax liability threshold for individual estimated tax payments to $500. However, in order to minimize the immediate potential revenue loss of this change, the committee decided to phase in the increase over a 4-year period.

In short, the legislative history shows that Congress realized that there is a problem now with this estimated tax provision and the required penalties for failure to comply with the current law, but for reasons of cost, Congress decided to phase in the higher tax liability threshold over 4 years. This change will certainly be a substantial help, once it is fully phased in. But in 1982 and 1983, it affords very little help to the elderly. The Federal Government will continue to impose penalties, and the elderly people especially will suffer an undeserved penalty of $40 million, even though these people had no knowledge of the estimated tax requirements.

This legislation will complement the recent changes in ERTA. It gives the IRS the discretion to waive the penalties or reduce them for elderly or retired taxpayers, where there is reasonable cause. The bill applies only to the penalty and not to the amount of the tax liability.

The IRS has been doing its best to get the word out to older Americans about the estimated tax penalties. But despite their admirable efforts, many elderly people are still snared by this penalty. The Special Committee on Aging has received hundreds of letters from elderly Americans and from groups who serve them. In response, the Aging Committee has emphasized the need to make estimated tax payments in the tax information it makes available each year.

But the only way to really fix this problem is to fix the law itself. We must program into the computer which now sends out these estimated tax penalties—automatically—a small dose of human understanding for the elderly people who fall victim to the complexities of the tax law.

I urge my colleagues to join us in sponsoring this legislation.

Thank you.

By Mr. MOYNIHAN:

S. 2258. A bill to grant a Federal charter to the 369th Veterans' Association; to the Committee on the Judiciary.

FEDERAL CHARTER FOR THE 369TH VETERANS' ASSOCIATION

● Mr. MOYNIHAN. Mr. President, I am today introducing legislation to grant a Federal charter to the 369th Veterans' Association.

The bill is identical to a measure originally introduced in the House of Representatives by my friend and distinguished colleague from New York, Representative CHARLES B. RANGEL. On November 14, 1983, Congressman RANGEL's proposal was passed by the House by a vote of 406-0. It would be fitting and proper for the Senate also to pass this bill, and I am hopeful that Senators will join me in support of the measure.

I would like first to speak to the illustrious history of the 369th Army Infantry Regiment in World War I—and to its veterans continuing record of outstanding civic service. Then I would like to speak about what a Federal charter is and why it would be appropriate for the Congress to grant one to the 369th Veterans' Association.

As many Senators will know, the association is named for what was once the all-black 369th Infantry Regiment which was organized in Harlem in New York City on June 29, 1916, and dispatched abroad the following year to serve alongside the French Army.

The heroism of the men of the 369th soon became the stuff of legend. The regiment was the most highly decorated American unit to serve in the First World War. The 369th Regiment participated in the campaigns at Champagne-Marne and Meuse-Argonne in 1917, and at Alsace and Champagne in 1918. During this crucial period of the war, the 369th spent 191 days engaged in the horror of trench warfare—the longest period of combat duty of any American unit to serve in the war. The 369th never lost a foot of ground—not a single member of the regiment was captured.

During World War I the 369th Regiment was cited 11 times for courage under fire. The entire unit was awarded the Croix de Guerre by the Government of France. Fittingly, this regiment of remarkable men was the first allied unit to reach the Rhine River and later, was the regiment that led the parade down Fifth Avenue when New York City welcomed home its veterans.

I would also remind my colleagues that Hamilton Fish, Sr., a distinguished former member of the House of Representatives from the State of New York served as captain and company commander of the 369th Regiment during World War I.

In World War II, the 369th Regiment became the 369th Anti-Aircraft Gun Battalion. The regiment served in the Pacific with distinction—particularly at Ryukyus during the Okinawa campaign. Later after the segregation of the Armed Forces was discontinued by order of President Harry S. Truman in Korea, the regiment continued its commendable record of courageous service to the Nation.

The 369th Veterans' Association was founded in 1954, in order to preserve and advance this tradition of selfless service and patriotism. It is today a nonprofit organization made up of more than 2,000 former servicemen and servicewomen, both black and white, from over 40 States and territories, each member committed to serving this Nation in times of war and peace. Membership is open to all honorably discharged men and women who have served in the Armed Forces.

The association is a unique organization with an impressive history of community service, not only in New York, but across the country. Among its many accomplishments, the association has provided counseling to veterans and direct assistance to veterans hospitals. It has sponsored scholarship and tutorial programs for children in need and a host of vital service for the elderly including the purchase of medical equipment for senior citizen centers. The association has rehabilitated three apartment buildings in New York City and sponsored the construction of the Gen. Chauncey M. Hooper Towers, a multimillion-dollar housing development designed for senior citizens and the handicapped.

Why, then, should the 369th Veterans' Association be granted a Federal charter?

Mr. President, since 1791 the Congress has granted Federal charters to private, nonprofit corporations which undertake educational, charitable, and

benevolent activities with a national purpose or scope. Historically, these corporations have been educational institutions, veterans organizations, and sundry cultural and benevolent societies. A Federal charter recognizes an existing State-chartered organization and acknowledges the nationwide character of its benevolent activities. It does not expand corporate rights nor does it relieve any of the corporate responsibilities established by its State charter.

Until 1965, Congress granted Federal charters on a case-by-case basis without applying standard criteria for Federal incorporation—each bill was consideration on its own merits. In 1965, President Johnson vetoed a bill designating a Federal charter and raised the important question of granting charters on a case-by-case basis without the benefit of clearly established criteria as to eligibility. He called on the House and Senate Judiciary Committee—to which such bills are referred—to conduct a comprehensive study on the matter of Federal charters. Four years later, in 1969, the House and Senate Judiciary Committees jointly issued a statement of policy entitled: "Standards for the Granting of Federal Charters." The statement defined the minimum standards that a private organization must demonstrate in seeking a Federal charter. These standards do not have the force of law but they are valuable guidelines for the purposes of congressional deliberation.

Mr. President, the 369th Veterans' Association fully meets the standards established by the Judiciary Committees for the granting of Federal charters. The association is organized under a corporate charter, granted by the State of New York in 1954. It has operated continuously since this date as a nonpartisan and nonprofit organization. It is organized and operated solely for charitable, educational and patriotic purposes. The association performs activities on a national scale and is unique in its glorious history and the scope of its programs, such that a Federal charter is the appropriate form of incorporation.

The 369th Veterans' Association is an organization that merits the recognition of Congress and the American people. The granting of a Federal charter is a natural and proper gesture.

I invite my colleagues to join in cosponsoring this legisation to grant a charter to a truly worthy organization. Too often we bemoan the ills that sometimes plaque our Nation, let us now honor our best.●

ADDITIONAL COSPONSORS

S. 74

At the request of Mr. MELCHER, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of S. 74, a bill entitled the "Reye's Syndrome Act of 1983."

S. 137

At the request of Mr. ROTH, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 137, a bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued.

S. 1059

At the request of Mr. DENTON, the names of the Senator from Nevada (Mr. LAXALT), the Senator from Utah (Mr. GARN), and the Senator from Louisiana (Mr. JOHNSTON) were added as cosponsors of S. 1059, a bill to provide that it shall be unlawful to deny equal access to students in public schools and public colleges who wish to meet voluntarily for religious purposes and to provide district courts with jurisdiction over violations of this act.

S. 1730

At the request of Mr. DIXON, the names of the Senator from North Carolina (Mr. EAST), and the Senator from Nevada (Mr. HECHT) were added as cosponsors of S. 1730, a bill to amend the Small Business Act to increase small business participation in the procurement process, thereby reducing costly noncompetitive procurements and increasing defense preparedness, and for other purposes.

S. 1733

At the request of Mr. TRIBLE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1733, a bill to amend title 18, United States Code, to make a crime the use, for fraudulent or other illegal purposes, of any computer owned or operated by the United States, certain financial institutions, and entities affecting interstate commerce.

S. 1749

At the request of Mr. THURMOND, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 1749, a bill to grant the consent of the Congress to the Southeast Interstate Low-Level Radioactive Waste Management Compact.

S. 1934

At the request of Mr. HEINZ, the name of the Senator from Kentucky (Mr. FORD) was added as a cosponsor of S. 1934, a bill to amend the Railroad Retirement Act of 1974 to make certain adjustments in benefits contingent on the financial condition of the railroad retirement system.

S. 2001

At the request of Mr. D'AMATO, his name was added as a cosponsor of S. 2001, a bill to amend the Clean Air Act to reduce interstate transport of pollutants, control acid deposition and for other purposes.

S. 2048

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 2048, a bill to provide for the establishment of a task force in organ procurement and transplantation and an organ procurement and transplantation registry, and for other purposes.

S. 2086

At the request of Mr. MOYNIHAN, the name of the Senator from Florida (Mrs. HAWKINS) was added as a cosponsor of S. 2086, a bill to revise tax law relating to publisher inventories.

S. 2145

At the request of Mr. HATCH, the name of the Senator from Wisconsin (Mr. KASTEN) was added as a cosponsor of S. 2145, a bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes.

S. 2165

At the request of Mr. DANFORTH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2165, a bill to amend the Internal Revenue Code of 1954 to increase research activities, to foster university research and scientific training, and to encourage the contribution of scientific equipment to institutions of higher education.

S. 2185

At the request of Mr. HEINZ, the name of the Senator from Tennessee (Mr. SASSER) was added as a cosponsor of S. 2185, a bill to amend the Internal Revenue Code of 1954 to extend the targeted jobs tax credit.

S. 2241

At the request of Mr. DENTON, the name of the Senator from Alabama (Mr. HEFLIN) was added as a cosponsor of S. 2241, a bill to clarify the obligations of broadcasters to legally qualified candidates for public office, and for other purposes.

SENATE JOINT RESOLUTION 73

At the request of Mr. THURMOND, the name of the Senator from Oklahoma (Mr. BOREN) was added as a cosponsor of Senate Joint Resolution 73, a joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer.

SENATE JOINT RESOLUTION 143

At the request of Mr. MELCHER, the names of the Senator from Alabama (Mr. HEFLIN), the Senator from Pennsylvania (Mr. HEINZ), and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of Senate Joint Resolution 143, a joint resolution to authorize and request the President to issue a proclamation designating the calendar week beginning with Sunday, June 3, 1984, as "National Garden Week."

SENATE JOINT RESOLUTION 171

At the request of Mr. STENNIS, the names of the Senator from Nevada (Mr. HECHT), and the Senator from West Virginia (Mr. BYRD) were added as cosponsors of Senate Joint Resolution 171, a joint resolution for the designation of July 20, 1984, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 204

At the request of Mr. HATCH, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Arizona (Mr. DECONCINI), the Senator from Kansas (Mrs. KASSEBAUM), the Senator from Minnesota (Mr. BOSCHWITZ), and the Senator from Georgia (Mr. NUNN) were added as cosponsors of Senate Joint Resolution 204, a joint resolution to designate "Women's History Week."

SENATE JOINT RESOLUTION 215

At the request of Mr. THURMOND, the names of the Senator from Rhode Island (Mr. CHAFEE), the Senator from Pennsylvania (Mr. HEINZ), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Mississippi (Mr. STENNIS), the Senator from Minnesota (Mr. DURENBERGER), and the Senator from Montana (Mr. MELCHER) were added as cosponsors of Senate Joint Resolution 215, a joint resolution to designate the week of April 23-27, 1984, as "National Student Leadership Week."

SENATE JOINT RESOLUTION 217

At the request of Mr. HEINZ, the names of the Senator from Idaho (Mr. SYMMS), the Senator from Delaware (Mr. ROTH), the Senator from Florida (Mrs. HAWKINS), the Senator from North Carolina (Mr. HELMS), the Senator from Idaho (Mr. MCCLURE), the Senator from Mississippi (Mr. COCHRAN), the Senator from Iowa (Mr. JEPSEN), the Senator from North Dakota (Mr. ANDREWS), the Senator from Vermont (Mr. STAFFORD), the Senator from Oklahoma (Mr. BOREN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New York (Mr. MOYNIHAN), the Senator from Louisiana (Mr. LONG), the Senator from Arizona (Mr. DECONCINI), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Mississippi (Mr. STENNIS), and the Senator from Indiana (Mr. QUAYLE) were added as cosponsors of Senator Joint Resolution 217, a joint resolution to authorize and request the President to designate the week of May 6, 1984 through May 12, 1984, as "Senior Center Week."

SENATE JOINT RESOLUTION 225

At the request of Mr. MOYNIHAN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of Senate Joint Resolution 225, a joint resolution designating the month of March 1984 as "National Eye Donor Month."

SENATE RESOLUTION 329

At the request of Mr. NUNN, the names of the Senator from Illinois (Mr. PERCY), and the Senator from Washington (Mr. GORTON) were added as cosponsors of Senate Resolution 329, a resolution expressing the support of the Senate for the expansion of confidence building measures between the United States and the U.S.S.R., including the establishment of nuclear risk reduction centers, in Washington and in Moscow, with modern communications linking the centers.

AMENDMENT NO. 2427

At the request of Mr. BOSCHWITZ, the name of the Senator from South Dakota (Mr. ABDNOR) was added as a cosponsor of amendment No. 2427 intended to be proposed to S. 979, a bill to amend and reauthorize the Export Administration Act of 1979.

AMENDMENTS SUBMITTED

CLEAN AIR ACT AMENDMENTS

DANFORTH AMENDMENT NO. 2697

(Ordered referred to the Committee on Environment and Public Works.)

Mr. DANFORTH submitted an amendment intended to be proposed by him to the bill (S. 768) to amend the Clean Air Act; as follows:

On page 61, strike out lines 6 through 15 and insert in lieu thereof the following:

"Sec. 181. There is hereby established a long-range transport corridor, hereafter in this part referred to as the "acid deposition impact region," consisting of the States of Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

On page 66, strike out lines 1 through 9.

On page 66, line 10, strike out "(i)" and insert in lieu thereof "(h)".

On page 67, line 11, strike out "8,000,000" and insert in lieu thereof "6,000,000".

On page 70, line 19, strike out "thirty-one".

On page 71, line 14, strike out "8,000,000" and insert in lieu thereof "6,000,000".

On page 77, line 11, strike out the end quotation marks and the second period.

On page 77, between lines 11 and 12, insert the following:

"GRANTS FOR ACID DEPOSITION ABATEMENT; ACID DEPOSITION REDUCTION TRUST FUND

"SEC. 188. (a) The Administrator shall make grants to States in the acid deposition impact region from the Acid Deposition Reduction Fund (established under subsection (c)) for the purpose of assisting utilities in meeting the emission reduction requirements imposed by this part. All grants made under this section shall be used by such States to assist such utilities in meeting such requirements.

(b)(1) The amount of the grant to each such State for each fiscal year shall be an amount which bears the same ratio to the amount available for such fiscal year in the Acid Deposition Reduction Trust Fund, as the actual net after tax expenses incurred by utilities in such State in meeting the emission reduction requirements of this part bears to the actual net after tax expenses incurred by utilities in all the States in the acid deposition impact region in meeting such emission reduction requirements; except that no grant to any State shall exceed 90 percent of the actual net after tax expenses incurred by utilities in such State in meeting such emission reduction requirements.

"(2) The Administrator shall by regulation determine the method for allocating net expenses incurred by utilities in meeting the emission reduction requirements of this part.

"(c)(1) There is established in the Treasury of the United States a trust fund to be known as the 'Acid Deposition Reduction Trust Fund' (hereinafter in this part referred to as the 'Trust Fund'), consisting of such amounts as may be appropriated or transferred to such Trust Fund as provided in this section.

"(2) There are appropriated, out of any money in the Treasury not otherwise appropriated, to the Trust Fund amounts determined by the Secretary of the Treasury (hereinafter in this section referred to as the 'Secretary') to be equivalent to the total amount of the fees received in the Treasury under subsection (d) of this section.

"(3) Amounts in the Trust Fund shall be used only for the purpose of making grants under subsection (a) of this section to utilities required to reduce sulfur dioxide emissions under the provisions of this part.

"(4) The amounts appropriated by paragraph (2) shall be transferred at least monthly from the general fund of the Treasury to the Trust Fund on the basis of estimates made by the Secretary of the amounts referred to in such paragraph. Proper adjustments shall be made in the amount subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

"(5) The Secretary shall be the trustee of the Trust Fund, and shall report to the Congress for each fiscal year, on the financial condition and the results of the operations of such Trust Fund during such fiscal year and on its expected condition and operations during the next five fiscal years.

"(6) It shall be the duty of the Secretary to invest such portion of the Trust Fund as is not, in his judgment, required to meet current withdrawals. Such investments shall be in public debt securities with maturities suitable for the needs of the Trust Fund and bearing interest at rates determined by the Secretary, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturities. The income on such investments shall be credited to and form a part of such Trust Fund.

"(d)(1) There is imposed, on every utility which sells electricity in any State in the acid deposition impact region, an acid deposition reduction fee equal to 3.0 mil per kilowatt-hour on all electricity generated by such utility and sold after the date of the enactment of this part in any State in such region. Such fee shall be for the purpose of paying for the grants provided under subsection (a) of this section.

"(2) The fee imposed by paragraph (1) shall be collected by the person owning or

operating the utility and shall be paid to the Treasury of the United States and deposited in the Acid Deposition Reduction Trust Fund.

"SECONDARY ACID DEPOSITION IMPACT REGION

"SEC. 189. (a)(1) There is established a secondary acid deposition impact region consisting of the States of Alabama, Arkansas, Florida, Georgia, Iowa, Louisiana, Mississippi, Missouri, and South Carolina.

"(2) If the Administrator determines, based on the results of the study conducted pursuant to section 182(a), that the purposes of this part will be better served by including the group of States comprising the secondary acid deposition impact region in the acid deposition impact region established under section 181, he may include such group of States in the acid deposition impact region, effective on the date of such determination.

"(b) The provisions of this part shall apply to the States added to the acid deposition impact region by reason of subsection (a) in the same manner as such provisions apply to the States originally included in such region under section 181, except that—

"(1) all time requirements imposed under sections 183, 185, and 186 which are measured from the date of the enactment of this part, shall, with respect to such additional States, be measured instead from the date of the inclusion of such additional States;

"(2) the requirements of section 185(b)(4) shall apply to such additional States effective 18 months after the inclusion of such additional States rather than on December 31, 1985; and

"(3) the Governors of such additional States may allocate the additional 2,000,000 tons of sulfur dioxide emission reductions among such additional States in accordance with the same requirements as set forth in section 184.

"(c) If the States in the secondary acid deposition impact area are added to the acid deposition impact area by reason of subsection (a), the term '6,000,000 tons' appearing in sections 183(a) and 185(a)(1) shall thereafter be deemed to be '8,000,000 tons'.".

● Mr. DANFORTH. Mr. President, since the passage of the Clean Air Act in 1970, this country has moved a long way in a short time toward a more healthy atmosphere. But one air pollution threat so far has remained outside the scope of remedial legislation, one that is killing fish and wildlife and possibly damaging human health. I am speaking, of course, of acid rain.

Acid rain is precipitation laced with sulfuric and nitric acids. It is a fact of life, an immediate and destructive reality throughout the Northeastern United States and Southern Canada. In Wheeling, W. Va., rain has fallen that is more acidic than lemon juice.

In several hundred lakes and streams, only algae survive; steady inflows of acidic waters have killed all fish life. Fish-eating birds, such as the common loon, have also been affected. By mobilizing heavy metals in the soil, acid rain can pollute water supplies with elevated levels of toxic materials such as lead. It corrodes stone and metal on buildings and cars. It leaches nutrients from acid-sensitive soils. These are among the known effects of acid precipitation.

In addition, there is growing evidence that acid rain may interfere with crucial soil chemistry such as nitrogen fixation, damage crops, and reduce the productivity of forests.

Acid rain was not discovered in the last year or two—it just seems that way in Washington. The problem of acidifying lakes and streams has been studied in Sweden and this country since the 1950's. But a number of media accounts in 1981 and 1982 brought the issue to the forefront and resulted in the acceptance of the issue as a legitimate topic for legislative action. For the first time, a large number of legislators—myself included—were saying, "Research alone is not enough. We must start on a path of action." It was in that spirit that in October of 1981, I joined as an original cosponsor of legislation requiring a 10-million-ton reduction in sulfur dioxide emissions in the Eastern United States.

Since that time, we have remained at an impasse. Acid rain legislation failed to reach the floor of either House of Congress in 1982 and last year was not dealt with at all. Indeed, the issue has been largely responsible for blocking action on renewal of the Clean Air Act itself. When Bill Ruckelshaus took over at the Environmental Protection Agency, he made a strong commitment to acid rain legislation. But a proposal has not yet emerged.

The primary argument against legislative action on acid rain has been that the scientific evidence does not delineate clearly enough the relationship between sulfur dioxide emissions and dying fish in the Adirondack Mountains of New York. But reports by the National Academy of Sciences and by the President's Office of Science and Technology Policy have laid that argument to rest with a fair degree of certainty.

As the Academy's report put it:

> Although claims have been made that direct evidence linking power-plant emissions to the production of acid rain is inconclusive, we find the circumstantial evidence for their role overwhelming * * *. At current rates of emission of sulfur and nitrogen oxides, the number of affected lakes can be expected to more than double by 1990 and to include larger and deeper lakes. There is little probability that some factor other than emissions of sulfur and nitrogen oxides is responsible for acid rain.

Why, then, has there been no action?

The answer, very simply, is this: The framers of acid rain legislation have placed virtually all of the costs of cleanup on the industrialized States of the Midwest for a program that would largely benefit the Northeast. This is a divisive approach, pitting State against State, region against region. It is unsound policy, both politically and socially.

Mr. President, when I first became involved in this issue, I faced a number of serious, reasonable questions that had no ready answers: What is the relationship between the large amount of sulfur put into the air in Missouri and the deterioration of sensitive areas many hundreds of miles away? What would a cleanup program cost the consumer, particularly in Missouri, where utility bills have been a cause of continuing economic and political concern? What impact would a reduction on sulfur emissions have on the lakes and streams that we are seeking to help?

The uncertainty about these questions has fueled the regional debate. Let us examine them one by one.

First, what is the relative contribution of local and long-distance sources?

There is general scientific agreement that long-distance transport of sulfur emissions contributes to acid rain. What is not as clear is the range of distance involved. Commonsense tells us that particles emitted from a smokestack will fall to the ground, and closer you are to the smokestack, the more particles will fall on you. Conversely, the effect of a smokestack hundreds of miles away will be less than one 50 miles away.

As the report of the National Academy of Sciences put it, "It can be stated as rule of thumb that the farther a source is from a given receptor site, the smaller its influence on that site will be per unit mass emitted." Work done at Washington University in St. Louis suggests that sulfate emissions travel no more than 600 miles.

This presents a conundrum for a Senator from Missouri. On the one hand, Missouri contains some of the worst sulfur emitters in the country. On the other hand, none of them appears to be within 600 miles of an affected ecosystem. Should a cleanup strategy include Missouri or not?

If acid rain is essentially a regional problem, involving only the death of aquatic life in sensitive areas that lack alkaline buffers, then it follows that the solution should be a regional one. On the other hand, if we determine that the effect of acid rain on forest growth and on agriculture is significant, a national strategy may be a better option.

Second, what would be the cost of a cleanup program?

Estimates of the cost of a major reduction in sulfur emissions vary widely. Some analyses conclude benignly that such a program could be implemented with a modest increase of 2 to 5 percent on utility bills in the 31-State eastern region. But that suggests that everyone would share the cost equally, which is not necessarily the case. If each utility is responsible for the cost of cleaning up its own emissions, the costs to some could be

staggering. A reasonable, even conservative, projection by Union Electric Co. in St. Louis resulted in an estimated 20-percent increase in consumer bills. Anyone who is prepared to accept that result has not discussed it with a Missouri consumer.

Other utilities have estimated even greater impacts. In some cases, the substitution of low-sulfur coal would do the job cheaper than the installation of stack gas scrubbers, but that would mean the displacement of high-sulfur coal mined in Appalachia in favor of the cleaner variety found out West. Try suggesting that to a utility in West Virginia. Indeed, the impetus toward acid rain controls jeopardizes the whole future of the high-sulfur coal industry, and with it, the economy of an entire region of the country.

Third, what would be the benefits of a cleanup program?

The White House Office of Science and Technology Policy concluded that any cutback in sulfur emissions would reduce acid deposition and "as a consequence both reduce the probability for major changes in additional acid-sensitive lakes or forests and allow the possibility for a return toward the original biological conditions existing in recently acidified areas."

Polluters emit an estimated 24 million tons of sulfur dioxide annually in the East; thus, a 12-million-ton reduction would equate to 50 percent. This, according to the National Academy of Sciences report, would result in a roughly equivalent reduction in acid deposition. An 8-million-ton reduction, as contained in S. 768, now before the Committee on Environment and Public Works, would amount to a one-third cut.

Let me suggest one caveat, however: If we concentrate on reducing powerplant emissions throughout the region, overlooking the disproportionate contribution of local sources, we risk serious disappointment. If the powerplants of Missouri are not affecting the Adirondacks, neither will a cutback aid them. The rainfall may become less acidic in Ohio—with less of Missouri's sulfur in it—but our central concern is not the rainfall in Ohio. The 50-percent reduction may translate into a cut of 20 percent or less for the smaller local sources that are doing the real damage.

So now, I have presented questions about long-distance transport, worries about the costs of a cleanup program, and uncertainties about the benefits. How should we proceed?

The White House science report provides a useful nudge:

> It is in the nature of the acid deposition problem that actions have to be taken despite incomplete knowledge * * *. If we take the conservative point of view that we must wait until the scientific knowledge is definitive, the accumulated deposition and damaged environment may reach the point of irreversibility.

In short, we know enough to act, and we should act. I believe we should initiate a program of substantial reductions in sulfur dioxide emissions, and we should do so with legislation this year.

But that brings us back to the question: How do we avoid the regional divisiveness that has plagued this issue to date?

My suggestion, which I proposed 2 years ago in S. 2594 and which I renew today in the form of amendments to S. 768, is to fine tune the approach taken in legislation so far, I am offering amendments because I do not propose to reinvent the wheel with respect to acid rain legislation. I do not purport to know whether we should reduce our sulfur dioxide emissions by 8 or 10 or 12 million tons. Instead, I am deferring to the committee's product, S. 768, in all but two particulars.

First, we should reduce the size of the region involved, to take into account the remaining questions about long-range transport of sulfates. My amendments would remove the nine Western and Southern States most distant from the areas that have suffered demonstrable damage from acid rain; these States would constitute a secondary region that could be included in the cleanup program at the discretion of the EPA Administrator.

All of the acid rain proposals to date have established a 31-State "transport corridor." The repeated use of this region in studies of acid rain has suggested a tacit scientific endorsement of the region, which endorsement in fact does not exist. I would suggest, Mr. President, that this particular emperor has no clothes. It is simply a line on a map. What rationale, for example, would include Arkansas and exclude Texas? Why must it be a straight line?

I do not claim any profound scientific basis for my proposal, either. It is simply another line on a map. But I would suggest that we must have a clearly stated rationale for the inclusion of every State in this region before we go forward. It appears clear to me that the closer a State is to the problem, the more likely it is to be contributing to the problem. To impose the profound economic consequences of this legislation on any particular State without compelling evidence of commensurate benefits would be irresponsible. If Missouri, for example, is found to be clearly contributing to ecological damage 800 miles away in the Adirondacks, fine—count us in. But as Missourians often do, first I must say, "Show me."

Second, we should spread the costs of compliance evenly throughout the region. My amendments would impose a surcharge of 3 mils per kilowatt-hour—at most a 5-percent increase in rates—on all electricity sold within the region, regardless of its source. Studies conducted by the Congressional Research Service and by the Congressional Budget Office since I proposed this approach in S. 2594 confirm that it would be sufficient to pay for a major cleanup program.

Financing the program in this way also would tend to lessen the damage done to the high-sulfur coal industry. In order to cut sulfur emissions, a utility must choose between installing stack gas scrubbers and switching to low-sulfur coal. By eliminating the need to finance the large capital cost of scrubbers, we would make that option more attractive—without going so far as to mandate it, regardless of its cost.

As a Senator from Missouri, I could never support a proposal that put all of the costs on my State for the benefit of another. If we are to solve serious and costly environmental problems like acid rain, the burden must be managed fairly, which is to say in a politically acceptable way. You could design a draconian solution that might solve the problem but would never see the light of day. We should be seeking good results without crucifying people.

There is much talk in this debate about the principle of making the polluter pay. And that is fine in principle. But where utilities are involved, it will be the consumer that pays. It is not the fault of John Doe in Columbus, Ohio, or Springfield, Ill., or St. Louis, Mo., that he is hooked up to one utility and not another. He has no choice. He did not participate in the decision to burn high- or low-sulfur coal. He did not advise on the height of the smokestack or the configuration of the boilers or the need for precipitators. And he should not be held accountable for those decisions.

Nor should we be making artificial distinctions between different sources of electricity—between coal, or oil, or gas, or nuclear. The point is to share the burden and go forward together to solve a common problem. We must not let regional divisiveness impede our progress toward that goal.

In dealing with disaster—and almost any environmental problem has the financial scope of a disaster—we must deal with the cleanup collectively, by spreading the costs around. That is the concept of catastrophic health insurance: a group of people share the costs of an individual's catastrophe. Closer to the subject at hand, it is also the concept of Superfund—a program for cleaning up hazardous waste dumps with money from the entire chemical industry.

Mr. President, the States of the Northeast want their rivers and lakes brought back to life. I am a fisherman, and I share that hope. I love to fish in Missouri, and I would love to fish in the Adirondacks, too. But let us not drive people and regions apart with

finger pointing and name calling. If we are to maintain a national consensus on cleaning up the environment, let us join together as equal partners to get the job done.

As a Senator from Missouri, I want to protect my State and the other States of the Midwest from bearing an undue burden. As one of 100 Members of the Senate, I want to see action on acid rain. The time to get started is now.●

HABEAS CORPUS LEGISLATION

THURMOND AMENDMENT NO. 2698

Mr. THURMOND proposed an amendment to the bill (S. 1763) to reform procedures for collateral review of criminal judgments, and for other purposes; as follows:

On page 1, line 4, delete "1983" and substitute "1984".

On page 4, line 17, delete "ro" and substitute "or".

On page 4, line 25, after "pursuant to" insert "section 2255 of title 28, United States Code,".

On page 7, line 19, after "moved" insert a comma.

BAUCUS AMENDMENT NO. 2699

Mr. BAUCUS proposed an amendment to the bill S. 1763, supra; as follows:

On page 5, line 12, strike out beginning with "by redesignating" through "ed" on line 14.

On page 5, line 25, after the semicolon add "and".

On page 6, lines 1 and 2, strike out "redesignating subsection '(d)' as subsection '(e)', and amending it" and insert in lieu thereof "amending subsection (d)".

On page 6, line 3, strike out "(e)" and insert in lieu thereof "(d)".

On page 6, line 9, strike out "; and" and insert in lieu thereof a period.

On page 6, strike out line 10 through line 15.

NOTICES OF HEARINGS

SUBCOMMITTEE ON AGRICULTURE PRODUCTION, MARKETING, AND STABILIZATION OF PRICES

Mr. COCHRAN. Mr. President, I wish to announce that the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture, Nutrition, and Forestry has scheduled a hearing on S. 2085, a bill amending section 3 of the Cotton Statistics and Estimates Act.

The hearing will be held on Wednesday, February 8, 1984, at 2 p.m. in room 328-A, Russell Senate Office Building.

For further information contact the committee staff at 224-2035.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERGOVERNMENTAL RELATIONS

Mr. BAKER. Mr. President, I ask unanimous consent that the Subcommittee on Intergovernmental Relations of the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Monday, February 6, to hold an oversight hearing on regionalism.

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

ADDITIONAL STATEMENTS

SOCIAL SECURITY AND THE DEFICIT

● Mr. MOYNIHAN. Mr. President, just over 1 year ago, the National Commission on Social Security Reform, on which I served, developed a series of proposals to insure the short- and long-term financial solvency of the social security system. I am pleased to report that reforms embodied in the Social Security Reform Act of 1983 (Public Law 98-21), which closely followed the Commission's proposals, did just that.

Dr. Martin S. Feldstein, Chairman of the President's Council of Economic Advisors, confirmed this report in remarks last November to the Southern Economics Association, noting that after 1984, the separately financed social security program will not contribute to the $200 billion Federal deficits.

In spite of this fact, many continue to suggest cuts in social security benefits to reduce Federal deficits. Not only is this unjustified as a matter of sensible budget policy, it is unfair to social security beneficiaries. Cut back social security in such desperation, and you will abandon a solemn promise of American society.

Robert M. Ball, the distinguished Social Security Commissioner under three Presidents and a member of the National Commission on Social Security Reform, understands the folly and fallacy of looking to social security for budget reductions. Last November 9, he testified before the House Budget Committee's Task Force on Entitlements, Uncontrollables and Indexing, and said: "You start whittling away at social security and you put more and more people into poverty. Social security serves low-income people and those who would be low-income people if it weren't for social security."

Mr. Ball also explained eloquently the real dangers of reducing the purchasing power of social security benefits, a proposal that has become quite fashionable of late. He notes that a 10-percent reduction in social security's purchasing power would be borne disproportionately by those with incomes below the poverty line or less than 125 percent of poverty levels. The poverty gap for the elderly, he calculates, would be increased by over $1 billion.

Mr. President, I often have suggested that everyone is entitled to his own opinion, but not to his own facts. Mr. Ball has the facts. I urge my colleagues to take note of Mr. Ball's facts, as they form their own opinions about the deficit. I assure you I already have. I ask that the articles previously mentioned be printed in full in the RECORD.

The articles referred to follow:

THE GOVERNORS, SOCIAL SECURITY AND THE DEFICIT

The four governors signing the piece on the budget deficit [Outlook, Jan. 22] seemed to have missed the Report of the National Commission on Social Security Reform a year ago and the subsequent 1983 amendments to the Social Security Act. They are right about the need to reduce the budget deficit, but cutting Social Security benefits has no place in the solution. From 1985 on, the self-financed system of Social Security will not contribute one cent to the deficit, and according to the best estimate available there is no long-range deficit in Social Security.

Two of the three proposals the governors offer for cutting back on Social Security are already part of the law (although in slightly different form) as the result of the 1983 amendments. The age of first eligibility for retirement benefits will rise gradually beginning in the year 2000, and starting with the current tax year, half the Social Security benefits of higher-income recipients will be taxed.

Social Security has been put into both short-term and long-term financial balance by last year's amendments. If benefits were to be reduced further, as these governors suggest, by cutting back on the cost-of-living increase, financing should also be reduced and then the budget deficit would be unaffected. The losers would be Social Security beneficiaries now and in the future.

Medicare is a different story. Strong cost-control measures are needed for the entire U.S. health-care system, including Medicare; but the old-age, survivors' and disability insurance program is now in good shape financially and should be left alone.

ROBERT M. BALL.

WASHINGTON. (The writer, a member of the National Commission on Social Security Reform, was Social Security commissioner from 1962 to 1973.)

THE FULL COST-OF-LIVING ADJUSTMENT SHOULD BE PAID TO SOCIAL SECURITY BENEFICIARIES

(Testimony before the Budget Committee Task Force on Entitlements, Uncontrollables and Indexing by Robert M. Ball, Wednesday, Nov. 9, 1983)

MR. CHAIRMAN AND MEMBERS OF THE TASK FORCE: My name is Robert Ball. From April 1962 until March 1973 I was Commissioner of Social Security, serving under Presidents Kennedy, Johnson and Nixon. Prior to becoming Commissioner, I served for approximately 20 years in various positions in the Social Security Administration and its predecessor organization, the Social Security Board, and for the ten years prior to becoming Commissioner I was the top civil servant in the Social Security organization. Since

leaving the government, I have continued my deep interest in programs benefitting the elderly and have written and lectured extensively on the subject. I am currently a Visting Scholar at the Center for the Study of Social Policy and Senior Consultant to the Study Group on Social Security.

I was a member of the National Commission on Social Security Reform whose report formed the basis for the social security legislation that was signed into law by the President on April 20, 1983. I am testifying today as an individual, and the views expressed are not necessarily those of any organization with which I am associated.

I believe it would be unwise to pay only part of the cost-of-living adjustment (COLA) to social security beneficiaries as proposed in H.R. 3790 and in the deficit reduction plans now being considered in the Senate Finance Committee. I believe this for several reasons.

1. *Reduction in the COLA Would Break the Agreement Implicit in the 1983 Amendments and Will Be Considered Unfair.* All during 1981 and 1982, social security beneficiaries—36 million people, principally elderly retired persons, totally disabled people, widows, and motherless and fatherless children—were terrorized by the fear that their benefits would stop or be reduced. There were almost daily reports of social security "bankruptcy." Under this daily pounding, a high proportion of the 116 million contributors to the program became convinced that they would never receive the benefits toward which they were contributing. The nation was greatly disturbed by the possibility that the government might turn its back on the commitments it had made over the last 50 years. The 1983 Amendments to the Social Security Act have restored fiscal solvency to social security and have reassured people that their benefits are safe. I do not believe that we should again be dealing with the subject of benefit cuts.

After a year of study, the National Commission on Social Security Reform, appointed jointly by the President and the Republican and Democratic leadership of the Congress, presented a set of recommendations which were endorsed by 12 of its 15 members. These recommendations became the basis for the 1983 amendments to the Social Security Act.

The recommendations had the support of the President and the Speaker of the House, the majority leaders of both the House and the Senate, the Chairman of the Ways and Means Committee of the House and the Chairman of that Committee's Subcommittee on Social Security, the Chairman of the Senate Finance Committee and a broad range of support within the Congress and without. For example, when the plan was introduced in the Senate by Senator Dole as S.1, it had as initial sponsors both Senator Laxalt and Senator Kennedy. Outside groups supporting the plan included the National Association of Manufacturers, the Business Roundtable, and the AFL-CIO.

No one who supported the plan liked all parts of it. There was some pain for everyone involved in social security, but not too much for any one group:

Beneficiaries had the cost-of-living adjustment postponed and put permanently on a calendar year basis, a move which amounted to approximately a 2 percent benefit cut over the average beneficiary's lifetime.

Contribution rate increases were speeded up for both workers and employers, with employers paying more than under previous law in 1984, 1988, and 1989 and employees paying more in 1988 and 1989.

The self-employed will be required to pay social security rates in the future that are comparable to what is paid by and on behalf of employees, a considerable increase over what they had been paying in the past.

Higher-income social security beneficiaries (about 10% of all beneficiaries) will for the first time pay an income tax on one-half their social security benefits, with the proceeds of the tax going to support social security.

Those non-profit employees not previously covered (about 15% of the total) and newly hired Federal employees will be brought under the system, together with members of Congress and top officials of the Executive Branch.

The Federal government speeded up its payment for military service credits and will pay for the refundable tax credit for employees in the year 1984 and for certain tax credits for the self-employed.

The 1983 amendments were designed to bring the separately-financed OASDI system into balance. There was an agreement struck among many diverse interests as to how to do this. To now impose additional sacrifice on one group—beneficiaries—is a violation of that agreement. Millions of people will consider such a move unfair. Social security would once again become a major unsettling factor in our national life and on the political scene.

2. *The Separately Financed Social Security Program Will Not Contribute to the Deficit after 1984 and Should Not Be Used to Reduce Deficits Caused by Either too Much Spending or Inadequate Income in Other Programs.* The recommendations of the National Commission improved the financing of the program by an estimated $169 billion between now and 1990, solving the short-term financing problem of the old-age, survivors, and disability insurance system (OASDI), and the same proposals solved about two-thirds of the long-range financing problem as projected by the more conservative of the two central sets of projections out of the four made by the trustees of the social security program. The Congress adopted an additional provision—increasing the age of first eligibility for full benefits which takes effect gradually after the year 2000. This provision was not recommended by the whole Commission, but was advocated by some members. As a result of all these changes, in all probability OASDI is now adequately financed for both the short run and over the 75 years for which the long-range estimates are made. The long-range cost of OASDI shown as a percent of payroll was reduced by 1.25 percentage points between the 1982 Trustees' Report and the 1983 Report—from 14.09 percent to 12.84 percent. The income to the system was increased 0.60 percentage points—from 12.27 percent to 12.87 percent, putting the system into approximate actuarial balance, +.02 percent of payroll.

There can, of course, be no absolute guarantee that experience will follow any particular set of estimates. From 1984 through 1987, the system is in rather close balance, although the financing is adequate under all four sets of estimates the trustees have made. Beginning in 1988 and running to 2020, OASDI is projected to build very large surpluses under three of the projections and is adequately financed during this period under even the most pessimistic assumptions used. After 2020, under all but the most pessimistic projections, the trust funds still continue to rise for a long period of time because of interest earnings on the large reserve, but they start to drop somewhat when measured as a percentage of the next year's outgo. All in all, the 1983 amendments have produced adequate financing for the next 75 years under three sets of assumptions and for 50 years under the most pessimistic. Failure to keep social security benefits up to date with purchasing power would be particularly resented because OASDI is now adequately financed, and the benefit reduction clearly would be made for the purpose of reducing the overall deficit.

3. *Keeping Benefits Up to Date with the Cost of Living Makes Sense.* Since the amendments of 1972, the purchasing power of social security benefits has been protected against inflation. The provision was adopted as a conservative measure because its sponsors believed that an automatic provision for meeting increases in the cost of living would tend to prevent ad hoc benefit increases and other expensive changes in the program that went beyond keeping the benefits up to date with price changes. It has turned out to be one of the most valuable provisions in the social security program.

It seems to me to make complete sense to decide on the proper level of benefits that people should get at the time of first receipt and then to maintain the purchasing power of that benefit. It does not seem to me to make sense to pay a benefit that is worth more at the beginning of a period of retirement, say, than it is worth five or ten years later. If we cannot afford to maintain a benefit in real terms—and I have no doubt but that we can—then we should pay lower amounts in the beginning and maintain those lower amounts in real terms.

4. *Modifying Social Security Commitments in Ways Unrelated to Social Security Purposes Undermines Faith in the Program.* Social security promises rest on past earnings and contributions and stretch into the distant future. Workers today are paying for protection that in part will not be realized for 20, 30 or 40 years in the future. To modify benefit promises in ways unrelated to social security needs or purposes would further weaken faith in the system, and, indeed, in the promises of government generally.

5. *Failure to Maintain the Purchasing Power of Social Security Benefits Falls with Particular Harshness on Low-Income People.* There is a mistaken notion—that has recently gained some currency—that social security, because it has no needs test, is somehow a "middle-class" program. Social security is a universal program and is largely responsible for the fact that those over 65, as a group, are now no more likely to be desperately poor than younger people.

If there were no social security and no other income took its place, there would be about 3.5 elderly poor persons for every one now below the poverty level. Social security cuts the incidence of poverty among the elderly by 71 percent. Nine to 10 million people above 65 are kept above the rock-bottom poverty level by social security, and 4 to 5 million other social security beneficiaries are also kept above the poverty level by their social security benefits. Millions more are kept just above the poverty level by social security. Whittling away at social security benefits will reverse the progress we have made and plunge additional people into the poor and near-poor category.

Cutting the purchasing power of social security benefits by 2 percent a year for six years, as in H.R. 3790, or by 3 percent a year

for three years, as in the proposal now being considered in the Senate Finance Committee, is the equivalent of a 12 percent and 9 percent benefit cut, respectively, for those receiving benefits in the years in question. Below I have summarized some of the effects of reducing social security purchasing power by approximately 10 percent.

(a) Nearly 20 percent of the reduction would be borne by people either below the poverty level ($4,626 per year for a single person over 65 and $5,836 for an elderly couple in 1982) or with incomes less than 125 percent of the poverty level. Some of this, perhaps a fourth, would be made up for by additional payments from Supplemental Security Income (SSI).

(b) The poverty gap for the elderly—the difference between poor peoples' income and the Census Bureau's definition of poverty—would be increased by over $1 billion.

(c) The number of elderly poor would be increased by 700,000 and the number of near-poor elderly (125 percent of the poverty level) by 400,000.

6. *Reducing the Cost-of-Living Adjustment over a Specified Period of Time Introduces Unfair Treatment Among Beneficiaries.* Those who are receiving benefits throughout the whole period of reduction will get 12 percent less in benefits under H.R. 3790 than under present law. On the other hand, those who apply first after 1990 will receive full benefits, unless, as many will fear, the reduction provision is extended.

7. *Taking into Account Inflation Rates in Excess of the Same Percentage in Income Tax Indexing and in Benefit Indexing Has Only a Superficial Appearance of Equity.* The fact that there are more taxpayers than beneficiaries means that the two measures contribute about the same amount to deficit reductions, but the effect on individuals is very different. Under H.R. 3790, the purchasing power of benefits is reduced by 12 percent for those on the rolls from 1985 through 1990. The change in indexing the income tax has much less effect on the after-tax income of taxpayers.

If the social security COLA is set at the CPI minus 3 percent, as in the plans being considered by the Senate Finance Committee, the result is a 3 percent a year across-the-board reduction in benefits. After two years, benefits would be 6 percent lower than they would have been if the COLA had been for the full increase in the CPI. For a household which depends on social security as a sole source of income, two years of CPI minus 3 percent results in a 6 percent reduction in income. One in five elderly households depends on social security for at least 80 percent of total income.

If income is half social security and half other income, this would amount to a 3 percent reduction in income. More than half of all elderly recipients derive more than 50 percent of their income from social security.

Reducing tax indexing does not increase taxes by a flat percent across the board. Indexing expands the amount of income that falls into each tax bracket to prevent inflation from forcing taxpayers into higher tax brackets. As a result of indexing minus 3, brackets would not be expanded to accommodate the first 3 percent of inflation. The actual reduction in after-tax income varies. A family filing a joint return with two dependents and earning $30,000 would experience a 0.3 percent reduction in after-tax income for the year 1985. The same family earning $50,000 would experience a 0.4 percent reduction in after-tax income. But in no case will the reduction in after-tax income be nearly as large as the social security cuts.

The attached table shows the effect in 1985 of reducing tax indexing by 3 percentage points on after-tax income for taxpayer units of varying family size and income. The percentages in the last column are to be compared with a straight 3 percent reduction in social security benefits.

CONCLUSION

I am very sympathetic to the goal of bringing down the deficits projected in the general budget, but I do not believe that further cuts in social security benefits are an appropriate part of this effort. Surely there are measures to accomplish the desired objective which would be fairer and which would not reopen the social security issue.

INCOME TAX INDEXING MINUS 3, 1985

Family income:	Income taxes	Social security taxes	After-tax income	Tax increases	Tax increase as percent of after-tax-income
		Single Individual			
$10,000	882	715	8,403	21	.2
30,000	4,271	2,145	23,584	69	.3
50,000	9,437	2,831	37,732	148	.4
100,000	26,688	2,831	70,481	293	.4
1,000,000	373,041	2,831	624,128	342	.1
		Joint Return, No Dependents			
10,000	500	715	8,785	24	.3
30,000	3,365	2,145	24,490	49	.2
50,000	7,592	2,831	39,577	147	.4
100,000	22,445	2,831	74,724	284	.4
1,000,000	366,244	2,831	630,925	538	.1
		Joint Return, Two Dependents			
10,000	248	715	9,037	27	.3
30,000	2,904	2,145	24,951	63	.3
50,000	6,901	2,831	40,268	166	.4
100,000	21,566	2,831	75,603	308	.4
1,000,000	365,197	2,831	631,972	568	.1

Note.—Income tax calculations assume that itemized deductions are 23% of income. Joint returns are assumed to be one-earner couples. Maximum wage base for social security taxes was assumed to be $39,600.●

S. 2001—THE NATIONAL ACID DEPOSITION REDUCTION ACT

● Mr. D'AMATO. Mr. President, I rise today to express my support for and cosponsorship of S. 2001, the National Acid Deposition Reduction Act, introduced by my distinguished colleague from Minnesota, Senator DURENBERGER.

Acid rain is corroding both the environment and the economy throughout the country. It is a particularly serious problem for the State of New York. In the Adirondack Park, 212 lakes are now "dead"—barren of fish—because of acid rain. More than 250 other Adirondack lakes are on the brink. This harm to natural beauty and ecological balance is bad enough in its own right, but the damage to the sportfishing industry puts thousands of jobs at risk.

Acid rain is destroying our forests and eating away at our buildings and monuments. It has even scarred the Statute of Liberty. Mr. President, this acid siege has to end.

The legislation I am cosponsoring today aims at a 10-million-ton net reduction in acid deposition in the 31 States east of or bordering on the Mississippi River. The bill includes a financing mechanism. The reductions will be achieved through buying control technology with revenues from an emissions tax imposed on sulfur dioxide and nitrogen oxide. The tax will raise $40 billion over 10 years. The revenue will go to a trust fund that EPA will use to help utilities and factories with the capital cost and operating expenses of the necessary technology.

The bill is effective. A 10-million-ton reduction should go a long way toward making rainfall less acidic.

The bill is fair. By basing revenues on emissions, it acknowledges that some States have made progress in curbing sulfur dioxide. But by spreading the cost nationwide, it also keeps any one State from bearing an excessive burden.

The bill is prudent. It does not arbitrarily mandate any particular control method. In choosing where to invest money from the trust fund, EPA ought to have the flexibility to consider which methods promise the greatest benefit for every dollar spent.

In some instances, the most reasonable method might consist of switching to low-sulfur coal. But this might raise problems for States that produce high-sulfur coal. Like Senator DURENBERGER, I invite my colleagues from those States to look at this bill. I welcome suggestions as to how we might take account of the needs of coal mining areas.

Mr. President, we should not let this issue pit region against region. We all live under the same sky, but we must lesson the amount of acid rain falling on our heads.●

SENATOR PELL'S REMARKS ON FEDERAL SUPPORT FOR THE ARTS

● Mr. STAFFORD. Mr. President, in 1981, I was fortunate to become chairman of the Senate Education, Arts, and Humanities Subcommittee which has jurisdiction over our important Federal education, arts, and humanities programs. I have greatly enjoyed my work in this area in the last 3 years, and I know that one of the main reasons I have has been that Senator CLAIBORNE PELL has remained as the ranking minority member of the subcommittee after serving very ably as its chairman for many years. And, in the area of the arts and humanities, he has remained the Senate's leader and expert, a distinction he earned many years ago as one of the founding fathers of the Arts and Humanities Endowments.

Last month Senator PELL wrote an article for the Annals, a journal published by the American Academy of Political and Social Science, in which he discusses the future of Federal support for the arts. I commend Senator

PELL's comments on these important issues to all of my colleagues in the Senate, particularly his remarks on the importance of private-public sector cooperation in support of the arts, and I look forward to working with him when the Senate begins its reauthorization of the Arts and Humanities Endowments.

The comments follow:

FEDERAL SUPPORT FOR THE ARTS HAS A FUTURE

(By Claiborne deB. Pell)

Abstract: As one who has been intimately involved for 23 years with the federal programs that support the arts in this country, I have been particularly concerned about recent Reagan administration efforts to reduce the budgets of the National Endowments for the Arts and for the Humanities and to lessen their impact on our cultural scene. The administration's approach to federal arts policy began with some basic misconceptions about the sources of the impressive growth that took place in the sixties and seventies in both the number and quality of American cultural institutions. Moreover the administration contended that as government support for the arts increased, there was a decrease in moneys from the private sector. Statistics seem to indicate that the opposite is true. The federal government through the National Endowment for the Arts has had a major impact in aiding and expanding our nation's cultural institutions. Much of this effect has been achieved in partnership with private resources. This critical government role as catalyst and facilitator must continue to spark increased nonfederal support for the arts.

The direction of federal support for the arts became alarmingly uncertain only a few weeks into the Reagan administration. The drastic reductions proposed for the 1982 fiscal year came as a surprise to those of us in the Congress who had nurtured the steady growth of our twin Arts and Humanities Endowments over the preceding fifteen years, growth that had enjoyed the unique bipartisan support and encouragement of presidents and congressmen alike.

THE THREAT TO FEDERAL SUPPORT

The administration proposal was to reduce the budget authority of the National Endowments for the Arts and for the Humanities by half. A "savings" of 50 percent was foreseen in the programs beginning in the fiscal year 1982. Furthermore, it was recommended at the same time that budgets for the fiscal years 1984 and 1985 be held at the $100 million level.

The Office of Management and Budget (OMB) under the guidance of its director, David Stockman, stated its rationale for these cuts as follows:

Reductions of this magnitude are premised on the notion that the Administration should completely revamp federal policy for arts and humanities support. For too long, the Endowments have spread federal financing into an ever-wider range of artistic and literary endeavor, promoting the notion that the federal government should be the financial patron of first resort for both individuals and institutions engaged in artistic and literary pursuits. This policy has resulted in a reduction in the historic role of private, individual, and corporate support in these key areas. These reductions in federal support are a first step toward reversing this trend.[1]

The most extreme interpretation of these words would be that government does not really have an obligation to support the arts financially or philosophically and should therefore stop or drastically curtail its activity in this area. Others, of a more moderate bent, would hold that government support should extend only to our so-called national treasures, leaving the rest of our artists and cultural institutions to fend for themselves. However one interpreted the OMB rationale, it was a startlingly new concept, which posed serious social and economic consequences for a multitude of communities and institutions.

Mr. Stockman advised the president that such cuts "could generate strong opposition" from the Endowment's "broad and articulate public constituencies."[2] Despite this warning, however, he proceeded to recommend the 50 percent reductions. Some members of the administration tried to put the best face possible on the proposed halving of the Arts Endowment's budget by spreading the word that Stockman had originally asked for the complete elimination of the agency. This generous gesture, if true, was hardly reassuring to the arts community and to their supporters in Congress. With the formal submission of the proposed budget revisions, the battle of the budget was officially under way.

I particularly objected at the time to two of OMB's justifications for the reductions. First, I strongly disagreed with the point that the arts were a "low priority item,"[3] and second, I took issue with the contention that federal support for the arts over the previous 15 years had discouraged or driven out private and corporate support. In fact, in the 10 years prior to the Arts Endowment's establishment, contributions to the arts from the private sector had risen less than 3 percent from an estimated $199 million in 1955, to $205 million in 1964. In the succeeding years, however, when the Endowment has been performing its crucial role as a catalyst, total philanthropic support for the arts and culture had grown to $2.7 billion and corporate support alone had increased from $22 million in 1966 to $435 million currently.

Since its beginning in 1965, the Endowment has also been largely responsible for encouraging growth in support for the arts from state governments, in local arts agency support, in the overall increase in the number of arts institutions, and especially in the size of audiences.

Perhaps the most fundamental concept of my original enabling legislation was that private initiative should always be the principal and primary source for the support and encouragement of the arts in the United States. I envisioned the Endowment as a catalyst that would help spark nonfederal support for the arts in a new and unique role for public moneys. The fact that Endowment grants were to be matched on a one-to-one basis was the key to the entire proposal.

After seeing the success of this plan, the legislation was later amended to provide for the Challenge and Treasury Department grants, which required a match of three nonfederal dollars for each federal dollar granted by the Endowment. I could not have been more pleased when the incoming private dollars began far exceeding those required by the federal guidelines. The concept of "Endowment as catalyst" was clearly working, and it was proving to be of tremendously important assistance to cultural institutions.

IN DEFENSE OF FEDERAL SUPPORT

When the appropriations hearings got under way to address the cuts in the first Reagan budget, the arts community turned out in impressive numbers and with eloquent pleadings and telling statistics with which to make their case. These articulate arts witnesses were supported by representatives from the corporate sector, who were justifiably worried that massive reductions by the government would send a signal that the arts were in fact dispensable. If this belief took hold it would certainly not encourage the private sector to contribute additional sums at a time when they were actually of critical importance.

After lengthy hearings and complicated negotiations between the House of Representatives and the Senate, a final budget of $143 million was approved for the Arts Endowment in fiscal year 1982—approximately a 10-percent reduction from the year before but in reality a more serious blow, owing to the toll taken by inflation. The important element, however, was that the arts constituency in this country had proven to be a powerful force with which Congress and the president could not avoid dealing. Indeed the strength and effectiveness of the outcry may have surprised the administration and convinced it that further major alterations in federal arts policy should be undertaken more cautiously and with an eye to the freshly mobilized and confident arts constituency.

The administration soon responded by appointing the Presidential Task Force on the Arts and Humanities and directed it to conduct a thorough reassessment of federal arts policy. Many who feared that there would be fundamental alterations in the Endowment's structure and purpose were reassured when President Reagan called our cultural institutions "an essential national resource" that "must be kept strong"[4] despite the need to reduce government spending. Others were suspicious that the task force findings were already a foregone conclusion and that the Arts and Humanities Endowments, as we know them, were to be drastically transformed into a government corporation along the lines of the Corporation for Public Broadcasting.

Nevertheless a distinguished group of citizens from the artistic, corporate, and university worlds was appointed by the president to conduct an extensive review of both Endowments. An indication of the future of federal support for the arts can be found in the report that the task force presented at its final meeting. First, it concluded to everyone's great relief that there is indeed a valuable federal role in the arts and humanities. The low priority assigned to the arts by OMB had clearly undergone an impor-

[1] U.S., Executive Office of the President, *President's Budget Reform Plan, pt. 3, America's New Beginning: A Program for Economic Recovery* (Washington, D.C.: Government Printing Office, 1981), p. 6-39.

[2] U.S. House of Representatives, Democratic Study Group, "Special Report: The Stockman Hit List," 7 Feb. 1981, p. 37.

[3] U.S., Executive Office of the President, *America's New Beginning*, p. 6-39.

[4] U.S., Executive Office of the President, Statement on the Establishment of the Presidential Task Force on the Arts and Humanities, 6 May 1981.

tant alteration. In addition the task force found the basic structure of the two Endowments to be sound. I particularly welcomed this finding, as my confidence in the two agencies and the way they operate has remained steadfast over their entire life span.

Those of us on the Senate authorizing subcommittee exercise our oversight authority by setting the direction of the Endowment's programs. Reauthorization of the Endowments, which now occurs every four or five years, gives us the chance to address specific problems in a program and to hear proposals for change. Some fine tuning has been carried out over the years, but, in general, the original legislation has remained largely unchanged as a testament to its effectiveness as well as to the success of the Endowments.

A further finding of the task force was that support for the arts from the private sector should be increased. The success of the Challenge Grant Program was undoubtedly a guidepost here. But the task force recommendation went further to ask that corporate, foundation, and individual giving be increased so as to make up the shortfall in federal spending. It was speculated at the time that if any one of the top 500 corporations gave the legally allowable 5 percent contribution to the arts, the funding problem would be solved. Furthermore only 30 percent of the nation's corporations were said to be making charitable donations, and that a great deal more could be accomplished if these vast untapped resources were mobilized.

Though business will undoubtedly find it difficult to increase its gifts in the present economic climate, I wish to encourage all efforts in this direction. The Arts Endowment has a superb track record of being able to attract private money. Through the existing mechanism of Treasury Funds and Challenge Grants, the agency is set up to receive gifts that have the wonderful effect of doubling or tripling the funds that it can actually award to a particular applicant institution. This ability to attract private money has been incorporated into the Endowment's structure ano has already proved to be a huge success. With skillful direction and encouragement, the much needed increase in private support can be achieved by expanding this partnership.

THE NEED FOR FEDERAL INVOLVEMENT

Of course a period of dramatic economic growth would help everyone, but I am skeptical that a major recovery is coming soon. Private philanthropy alone is simply not going to fill the gaps that are now occurring with alarming frequency among our arts institutions. Foundations, also pressed by economic conditions, are finding it virtually impossible to increase their giving commitments. It is regrettable but true that corporate and foundation philanthropy can only in rare instances address base budget problems no matter how sincere the interest. Some redirection of foundation funds can be expected to assist in some of the most desperate situations, but this sector cannot possibly be expected to come to the rescue without an assist from the federal government.

Large capital endowments can provide a welcome cushion in hard times, but even our major cultural institutions are just beginning to seek funds for stockpiling in such a reserve. Wisely, the Endowment's Challenge Grant Program permits both the federal and private matching moneys to be used for building such cash reserve funds. Again, it would seem prudent to explore ways of developing and improving this now well-tested method of raising capital funds. It should also be structured so that institutions of all sizes can particpate.

Though each segment of the private sector must be approached and encouraged to assist in ever more creative ways, I want to stress that I believe that the American government should very definitely continue to be actively involved in the business of the arts. I do not agree with some who see the foundations and corporations being forced into taking over programs that the government is abandoning. They have neither the resources nor the desire to do this. The government must continue to play its crucial role as catalyst and ensure that the symbiotic relationship between public funding and private initiatives remains a vital one.

The arts in this country are flourishing as never before, and their audience is expanding. It is, in fact, not the arts that are financially threatened, but only specific arts institutions and activities. Now that the structure and methods of the Arts Endowment have been endorsed by this administration, the only real gap is the gap caused by high inflation and reductions in government support. New ways can be found to increase the participation of the private sector by expanding its partnership with the establish government arts programs.●

REDUCING EUROPEAN ANXIETY

● Mr. BIDEN. Mr. President, despite recent claims that the North Atlantic Alliance has never been stronger, there is ample evidence of fissures just beneath the surface. Western Europeans continue to question many aspects of current U.S. foreign policy, just as they disagree among themselves on many economic and security questions.

The fact that some new neclear missiles have successfully been deployed is no guarantee that the remaining weapons will be welcomed, especially absent any real progress toward arms control.

One of the most perceptive analysts of European affairs, Prof. Stanley Hoffmann of Harvard, writes in the February 6 New York Times that the United States could help reduce European anxieties by a more active and comprehensive East-West diplomacy, especially in the realm of arms control. He also suggests greater European efforts to strengthen their nonnuclear military capabilities.

Mr. President, I ask that Professor Hoffmann's cogent article be printed in the RECORD.

The article follows:

[From the New York Times, Feb. 6, 1984]

TO REDUCE EUROPEANS' ANXIETY

(By Stanley Hoffman)

PARIS.—The crisis provoked in Western Europe by the deployment of medium-range American missiles appears to have been overcome. The peace movement, particularly in West Germany, shows signs of demoralization and splintering. The governments of the major Western European countries have reaffirmed their solidarity with the United States. Nevertheless, the alliance remains in a paradoxical situation: Its European members are full of deep anxieties and wish to assert their common idenity, and yet wisdom suggests a series of small steps rather than any grand design.

The anxiety is close to the surface. The very duration of the missile deployments guarantees further troubles, especially if arms control negotiations with the Soviet Union do not resume. The usual doubts about United States policy are as sharp as ever. All Western European governments believe that peace in Europe is not just a question of military equilibrium but also requires constant conversations and understandings with the Kremlin. They are not convinced that American statesmen agree, despite the recent and abrupt moderation of President Reagan's rhetoric. Many Western Europeans fear that, despite official American denials, American strategic planning entails the possibility of a "limited" nuclear war that could spare the superpowers but would devastate Europe. They are even more upset by American attacks, coming from neo-conservatives as well as from former officials of the 1960's, against the North Atlantic Treaty Organization's traditional strategy of threatening the Soviet Union with a first use nuclear weapons in the event of a Soviet conventional attack.

Western Europeans resist America's pressure to rely primarily, both for deterrence and for defense, on conventional forces, not only for economic reasons but also because they remember that conventional deterrents rarely have succeeded in the past and because they are more convinced that many Americans of the inevitable superiority of Soviet conventional forces.

Finally, Western Europeans are disturbed by recurrent United States threats or hints about removing some of America's conventional forces from Europe either in order to lighten the financial burden on the United States or to cope with more serious threats in other parts of the world.

All these possibilities emphasize Western Europe's dependence on the United States. Even the newly deployed missiles teach the same lesson. They remain under Washington's control—and the more Americans stress the declining credibility of a threat of first use, the less can Western Europeans be sure that these missiles actually will play the deterrent role for which they were deployed.

The Western Europeans are also, as usual, divided. The French have a national consensus around nuclear deterrence and often talk as if the accumulation, by the West, of nuclear weapons—any nuclear weapons—is the key to peace and security in Europe. In West Germany, on the contrary, the development both by the Soviet Union and by the United States of nuclear weapons capable of hitting the enemy's nuclear forces has awakened doubts about the long-term stability of nuclear deterrence.

These fears and disagreements have made Western European statesmen eager to revive the dormant ideal of a more autonomous Western European defense within the alliance. There is another reason: The European Economic Community is bogged down in petty discussions about money and milk, its institutions are paralyzed and all its members feel the need to take some initiative proving that the ideal of a united Europe is not dead. But there remain formidable obstacles to a common defense, especially in the nuclear field.

The modernization of the French and British nuclear deterrents will add many warheads, but they remain national forces whose capacity to deter Soviet attacks, espe-

cially conventional ones, on the rest of Europe is dubious. The French realize that their nuclear force could probably not save them from Soviet conventional attacks or blackmail should the Soviet Union reach France's borders, and that France has a vested interest in preventing a North Atlantic Treaty Organization defeat east of the Rhine. But they continue to give priority to nuclear weapons over conventional forces. The creation of a common nuclear deterrent for Western Europe would require not only a dramatic French shift from national independence to collective decision-making but also a willingness to let Bonn have not just the right of veto but a finger on the nuclear trigger. No Western European government, and especially not the West German one, is ready for this.

What is to be done? On the Western European side, there could be joint French, British and West German discussions on the uses of the French and British long-range nuclear forces, and French-German discussions on the targeting of France's tactical nuclear weapons and on the function of the quick deployment force that France plans to create. Better coordination and division of labor in the production of conventional weapons by Western Europe should certainly be undertaken.

But the two pillars of the alliance remain a joint policy toward the Soviet Union and a strategy based both on a credible conventional force and on the continuing risk of nuclear escalation in case of conventional war. The preservation of these pillars requires a greater United States willingness to match the buildup of American strength with far more active and comprehensive East-West diplomacy, especially in the realm of arms control. It also requires the persistence of uncertainty about the use of nuclear weapons in case of a Soviet conventional attack, precisely because there are no technological panaceas that could guarantee the success of a purely conventional deterrence and defense.

In the conventional-war realm, the Western European members ought to increase their efforts in order to foreclose any possibility of a quick Soviet victory. But it would be foolish to expect such an increase as long as the American economic recovery has not spread to Western Europe.

Ultimately, economic ill health and political divergences remain far more dangerous for the alliance than Soviet buildups or peace offenses.●

ARIZONA MEMORIAL SEEKS RENEWED DIPLOMATIC TIES WITH REPUBLIC OF CHINA

● Mr. GOLDWATER. Mr. President, it is my great pleasure to announce that the Arizona State Legislature has overwhelmingly passed a concurrent memorial urging the President to reestablish official governmental relations with the Republic of China. Moreover, the State memorial urges Congress to take all necessary steps to fulfill U.S. commitments to the people and Government of the Republic of China.

Mr. President, I have previously called for what I call the derecognition of Red China and the resumption of our previous official recognition given to the Republic of China as the only legitimate government of the Chinese people. The memorial adopted by the legislature of my State reinforces my feeling that President Reagan should adopt this course.

The Communist regime on the mainland of China will not be here forever. The form of totalitarianism and state socialism practiced by Communist China is a proven failure. Sooner or later, communism will disintegrate from its own corruption and internal contradictions.

The Chinese, with their thousands of years of civilization, know better than anyone else of the cycles in history. Always in the past, the Chinese people have thrown off repressive regimes and have subsequently enjoyed greater heights of achievement and economic and military strength. So it was when the tyrannical Ch'in dynasty was replaced by the great Han China and so it will occur again when the Communist emperors are destroyed or destroy themselves and are succeeded by a free and constitutionally based government.

Rather than bow to the arbitrary demands of Red China, the United States should concentrate on improving its strategic relationships with proven, modern allies, such as Japan, South Korea, Taiwan and the private enterprise nations of ASEAN. Red China is not and can never be a dependable ally or partner of the democratic and free market nations of the world.

Mr. President, in restructuring our foreign policy in the Pacific, I also would urge the President and Congress to follow the recommendation made in the Arizona memorial to give U.S. security guarantees for the Republic of China. Regardless of blind or wishful thinking about the motives of Red China, the fact is that the Republic of China on Taiwan faces serious threats of blockade or invasion of the offshore islands of Kinmen and Matsu, a possible Communist naval blockade of Taiwan itself and the overwhelming of Taiwan's air and naval defenses by the growing sophisticated arms of Red China, especially if Taiwan is not allowed to obtain qualitatively advanced air defense capabilities.

Mr. President, I hope that the Arizona State memorial will encourage other States to adopt similar resolutions reflecting the real wishes of the American people, whose commonsense and loyalty to friends would be useful qualities in our foreign policy.

The memorial follows:

HOUSE CONCURRENT MEMORIAL 2001

To the President and the Congress of the United States of America:

Your memorialist respectfully represents:

Whereas, the Republic of China has been and continues to be one of the most faithful allies of the United States since its founding in 1912, having militarily and politically supported our country during World War I, World War II, the Korean War and the Vietnam War; and

Whereas, the Republic of China has built a successful, prosperous and free economy out of the ashes of a half century of revolution, invasion and civil war and now serves as a major trading partner of the United States; and

Whereas, the Republic of China holds a pivotal, strategic position in the defense of East Asia and the Western Pacific, which is vitally important to the interest and the defense of the United States, with extensive air and naval base systems available to the United States on request, and has always utilized its military power in the interests of the free world; and

Whereas, the political and economic stability of the Republic of China and the freedom way of life, high standard of living and fundamental human rights of its 18 million people, and the military security of this nation, would be significantly enhanced by the reestablishment of official diplomatic and military relations between the Republic of China and the United States.

Wherefore your memorialist, the House of Representatives of the State of Arizona, the Senate concurring, prays:

1. That the President of the United States reestablish official governmental relations with the Republic of China and that the Congress of the United States take all necessary actions to provide specific security guarantees for the Republic of China.

2. That the Secretary of State of the State of Arizona transmit copies of this Memorial to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives of the United States and to each Member of the Congress of the United States.

3. That the Secretary of State of the State of Arizona transmit copies of this Memorial, in care of George Y. Yeh, Arizona Coordinator for the Republic of China, to President Chiang Ching-kuo, Republic of China; Premier Sun Yun-suan, Republic of China; Minister Fu-sung Chu, Ministry of Foreign Affairs, Republic of China; Minister Kuo-hwa Yu, Chairman of the Council for Economic Planning and Development, Republic of China; Minister Chao Uao-tung, Ministry of Economic Affairs, Republic of China; Minister Hsu Li-teh, Ministry of Finance, Republic of China; Minister Mo Sung-nien, Overseas Chinese Affairs Commission, Republic of China, and Representative Fredrick F. Chien, Coordination Council for North American Affairs.●

GRENADA

● Mr. EAST. Mr. President, the recent rescue mission on the Marxist island of Grenada continues to provoke controversy within the American media. Despite overwhelming evidence of massive support by the American people, the media has made every effort to discredit and embarass the administration, the U.S. Armed Forces, and those involved in the mission. This tendency on the part of our media to arrogate to themselves the right to determine what the nature and direction of the United States shall be is ably analyzed in a column by the distinguished journalist, Alice Widener, and I ask that the column be printed in its entirety.

The article follows:

THE MASS MEDIA OUR OVERPRIVILEGED ELITE

(By Alice Widener)

When Vice Admiral Joseph Metcalf III barred the press from covering the United States military rescue of Grenada from anarchy, October 25 and 26, 1983, most of our mass media stars, male and female, were so infuriated they bared fangs usually concealed behind smiles artfully constructed for TV-camera close-ups by high-priced cosmetic dentistry.

Hysterically, Helen Thomas of United Press International shrieked, "The White House has lost credibility with the media."

Dan Rathers of CBS-TV said, "If the press isn't there, the people aren't there." John Chancellor of NBC-TV said, "The American government is doing whatever it wants to in Grenada without any representative of the American public watching what it's doing."

Obviously, Messrs. Rather and Chancellor exclude civilian and military officials of our Government as legitimate representatives of the American people. Fortunately for truth, at the moment of the Grenada crisis, Ray Briem of ABC Talk Radio pointed out coolly and correctly, "The polls show overwhelmingly that the media have lost credibility with the public."

Most media stars were not only way out of touch with the fundamental feelings of the very public whom they profess to protect and respect but also exhibited the kind of conceited fascistic arrogance characteristic of a republic at its time of true crisis when a single group claims immunity from discipline, tradition, loyalty and law.

What happened in Grenada during the rescue operation is that for the first time since 1950 the American people could themselves learn what really was taking place without preclusive censorship by The Press.

Thus when the rescued American medical students arrived at Kennedy Airport it was impossible to screen from public view the 23-year-old girl who flung herself into her parents' anxiously awaiting arms and cried out, "Those Marines—they were so strong and brave and kind!"

Kind? Kind? That adjective left the media horde dumbstruck, accustomed as most of them are to hearing and reading since 1950 mainly the harshest derogative of our American military.

It was in 1950 that two major events occurred which adversely affected the security of every American and that of our nation and the entire free world. The first of these events was adoption by President Harry Truman, April 1950, of a top secret overall foreign policy directive, National Security Council Document 68, which was foisted on him by Dean Acheson, George F. Kennan and Averell Harriman. Referred to among the intellectual clique who framed NSC-68 as the "containment of communism" policy, it actually was the formulation of a rigid "no-win" doctrine applied to our country only. NSC-68 urges avoidance of nuclear war through U.S. acceptance of a Soviet first strike and NSC-68 forbids any U.S. action "directly challenging Soviet prestige."

The second major 1950 event adversely affecting our internal and external national security was announcement by The New York Times that it was abandoning our traditional journalistic distinction between straight news and editorial writing in favor of adopting what it described as "interpretive reporting" but in reality was propagandizing. Consequently, Times man Thomas J. Hamilton, newly elected president of the United Nations Correspondents Association, proposed abandonment of objective reporting on the U.N. "for the sake of an ideal."

The full consequences of our no-win foreign policy, which was kept top secret until February 1975, and of our acceptance of "interpretive reporting" which shielded the Communist movement from direct challenges to its prestige, became obvious to the American people only in October 1983 when our "sitting duck" Marines were massacred at Beirut Airport in Lebanon and thereafter the Reagan Administration had the courage to undertake a winning military operation in Grenada.

In vitriolic criticism of the Reagan military policy, Sam Donaldson burst out on the Sunday morning ABC-TV News discussion "I am a believer in the Acheson-Kennan containment policy." Thus he exposed himself, as do almost all our prominent media stars, as an ideologue not an objective newsperson.

The 30th anniversary issue of Playboy magazine, dated January 1984, carries a long exclusive interview with Dan Rather who declares, "The only person I'll listen to in criticism about our [CBS'] coverage of the Soviet Union is Harrison Salisbury. He can lay down aces in terms of his experience of covering it. With everybody else, my attitude on it is '—— you.' I don't think other people have a lot to crow about." Informed Americans know that Harrison Salisbury, formerly of the New York Times is as pro-Soviet as Herbert Matthews of the New York Times was pro-Castro.

On November 30, 1983, Mary Bedell Smith reported in The Times that Peter Jennings of ABC-TV told her "99% of the phone calls I received about barring the press from Grenada were in favor of the [U.S.] government." The Times/CBS poll showed 91% in favor of the Reagan Administration and against the press. Repeatedly, newsmen who had been in World War II referred to their patriotism and trustworthiness during those times in order to try to impress the public with their fitness to guard our secrets, protect American lives and be true to American ideals today in Central America, the Middle East or anywhere else. This media effort at reassurance is totally ineffective because we Americans have learned that things are far different now in political and moral points of view than they were before. Since 1950 our nation has never been in a declared war with the press legally under wartime censorship and legal restraints as in World Wars I and II. Nor have we had an "enemy" but merely an adversary, according to NSC-68. Though we have lost more than 100,000 American military men killed in the Korean United Nations Police Action and the Vietnam Military Advisory Operations, our media representatives were entirely free of legal and social penalties for consorting with or aiding the Communists who were killing us.

Why? Not one in a million Americans is aware that there is only one federal crime in our U.S. Constitution—treason. And treason is strictly defined as giving aid and comfort to the enemy in time of war. Only Congress can declare war. So the aid and comfort individuals such as Jane Fonda, Daniel Ellsberg and others amply gave to our murderous "adversaries" in Peking and Hanoi cannot be legally prosecuted as treason and all have been welcomed by our media who have provided them with a reversible all-weather political cloak—First Amendment absolutism on one side and anti-anti-communism on the other.

As thousands upon thousands of Americans stood in the streets of San Francisco and New York City to welcome home General Douglas MacArthur after his dismissal as commander of our forces in Korea, 1951, they knew in the marrow of their bones that something was wrong, very wrong. Not one in a million Americans knew that the "something" wrong was the secret NSC-68. In May 1951 General MacArthur told me in a long exclusive interview at his office in Manhattan:

"Always in war when I visited my wounded in the hospital, I could look them in the eye, no matter what their condition or how tragic their wounds, knowing that our country had backed them to the hilt.

"But when I went to see my Korean War wounded, I just couldn't look them in the eye, knowing they had been forced to fight with one hand tied behind their backs.

"I went home and walked the floor alone until four o'clock in the morning. I made up my mind what to do and I did it."

The General paused, his eyes full of tears. Then he looked me straight in the eye. "Do you think there is anyone anywhere who can teach me how to shoot down half a bridge?" he said. Again he paused, then said firmly: "I am convinced I was restrained in Korea by some secret Administration policy directive on strategy about which I was not informed."

Under the inexorably intolerant and therefore fascistic intellectual leadership of the Liberal Establishment—the New York Times, Washington Post, Council on Foreign Relations, Columbia Broadcasting Company and American Civil Liberties Union—plus the influence of professional pacifist propagandists preaching and teaching American unilateral disarmament at Massachusetts Institute of Technology, the Bulletin of the Atomic Scientists, Chicago, and Center for the Study of Democratic Institutions, Santa Barbara, California—our once independent media became a cyclops with a single eye fixed on what they perceived to be American faults and blind to the evils of communism. Our greatest military heroes were vilified and the most brutal Red leaders glorified.

On October 30, 1983, I watched over CNN-TV the very first press interview at Bethesda Naval Hospital of our Grenada wounded. I saw the face of Captain Timothy Howard, USMC, while 40 newsmen crowded around his bed. His right arm had been amputated to the elbow. His left leg had 14 multiple fractures. A grimace of intense pain contorted his face. "Please," he said through clenched teeth, "don't jolt my bed." Someone thrust a microphone into his face. "I said," he said, in a voice so full of agony that I burst into tears, "don't jolt my bed." From somewhere came a stern command "OUT!" Later I learned the order came from a Navy public information officer at the hospital too appalled by the media's brutal conduct to utter another word. Also, I later learned that a United Press International reporter was so ashamed of the media conduct that day he wrote a personal letter of apology to Captain Howard and to the medical staff at Bethesda.

The media brutality toward our military did not surprise me. I had a memorable experience with it during the Vietnam War. In March 1966, I received a telephone call from President Lyndon Johnson (whom I never had met or voted for) to tell me that as the result of a newspaper column by Drew Pearson, the Pentagon and White House were swamped with anguished inquiries from

families and friends of our wounded patients in Walter Reed Army Hospital. The column charged that while officers were being coddled in luxury at the hospital, the GI's were being cruelly neglected, denied essential needs and even doses of painkilling drugs. Pearson wrote that conditions were so unsanitary that filthy bloodstained bandages were lying everywhere on the floors and heaped high outside the wards to the ceiling. President Johnson asked whether I would be willing to visit Walter Reed and see conditions for myself.

Having paid my own way to Washington, I was met next day by an Army officer who drove me to Walter Reed. No official escorted me or made the slightest suggestion about what I should write.

At first glance, outside the amputees' wards, No. 35 and 36, it did seem as if repulsive bandages were heaped on the floor. The sight was sickening. At second glance, I saw the bandages were in huge transparent plastic bags. The driver of a hospital garbage pickup truck who made the rounds through the hospital halls every 30 minutes said, "Clear plastic is cheaper than opaque." Inside wards 35 and 36, I talked with 93 amputees. I found out the truth about the pain killers. These mutilated suffering young men were on "THE THING." What was that? A voluntary self-organized pact among them to try to refrain from taking pain pills as "chicken" because it seems the drugs act as a depressant and thus retard recovery.

On March 11, 1966, a GI gestured with his right shoulder toward the TV next to his bed in Ward 35 at Walter Reed Hospital. He couldn't gesture with hand and forearm. They had been amputated. "Sometimes," he said scornfully, "while I'm watching and listening to this thing, I get to wondering whether some of the characters on it wouldn't be more with us if we were fighting alongside the Vietcong for the Vietcong."

His remark chilled my blood. Only a couple of weeks earlier I had been at a meeting in Manhattan where Professor Eugene Genovese of Rutgers University, who had publicly proclaimed he would "welcome a Vietcong victory", said the Leftwing intelligentsia in our country "must achieve a Marxist revolution and that is why there exists now in this country the necessity for open advocacy of socialism." To accomplish this, he said, the Leftwing must achieve "cultural hegemony."

As everyone knows, "hegemony" is preponderant authority. There is no doubt that over the years since 1950, with NSC-68 and "interpretive reporting," an elite among the Leftists gained cultural hegemony over our media and this sad situation became more and more evident to the people. Overnight in October 1983 the media found out that though some of the people can indeed be fooled for some of the time, all cannot be fooled all the time. Though the media immediately sought to convert the Grenada rescue into a bitter struggle between the media and the U.S. Government, it has become an open struggle between the media and the people.

On November 20, 1983, New York Times reporter Jonathan Friendly twisted his article into a story about a "feud between the military and the press" and delcared, "The debate about restriction of news coverage of combat in Grenada has brought into the open military suspicions about the press and its patriotism." Jonathan Friendly then referred to the "apparently heartless" media interviews with the families of Marines killed or missing in the Beirut barracks.

What does Friendly mean by "apparently" heartless? Doesn't he know the difference in definition between "obviously" and "apparently"? Obviously he doesn't, but the entire American TV-viewing public did and they found the interviews sadistically intrusive. So did the friends and relatives of the dead or missing Marines who found out that the media at Camp Lejeune, North Carolina, bribed taxi drivers to reveal the addresses to which they had driven Army and Navy chaplains on condolence missions to bereaved, desperately anxious and heartsore parents, grandparents, sisters, brothers and wives.

On November 4, 1983, the Wall Street Journal carried a truly enlightening letter to the editor from Major General John E. Murray, USA Ret. which goes to the vitally important core of our present political, intellectual and moral plight concerning the relationship between the media and the people. General Murray says that the wailing of the press because it was denied advanced briefing and immediate access to the Grenada rescue operation is like that of a child denied a stick of candy unaware it was a stick of dynamite. "Surprise, celerity and concentration are the quintessence of military success," Gen. Murray writes. "A commander has a hole in his head and a hole in his plan if he sacrifices secrecy."

The media say they maintained utmost secrecy in World Wars I and II. So they did. But—they were operating under total wartime censorship which never has been put into practice by our country since 1945. If it had, several of our leading media pets would now be serving long prison terms for treasonable aid and comfort to the enemy.

Another aspect of our media overprivilege is their total freedom from any kind of professional disciplinary control. Every other profession is under some kind of disciplinary scrutiny or regulation—the police by civilian boards, physicians by state boards of medicine on charges of malpractice, lawyers by the American Bar Association, etc. However, our media do exactly as they please without fear of professional discipline and much of what they please to do is crude, brutal, immoral and degrading.

General Murray writes what every military man who fought in Vietnam and Southeast Asia knows: "Among them [the press] there are what can only be charitably termed criminal inclinations. The media, unlike the soldiery, do not come under the Uniform Code of Military Justice. Why weren't the culprits among them tried in Vietnam for illicit money involvement and drug activities? There were those among the media in Vietnam who had it better than Jesse James. They were outlaws with no law to punish them. Then there is that pitiless commonplace invasion of a soldier's and his family's privacy in what may be his last pains by TV and photographic pimps—an arrogance in another's agony that is beyond forgiving. Contrary to presumption, Last Rites do not grant last picture rights to blood-thirsty media Draculas."

On November 30, the Wall Street Journal carried an extremely revealing report. "Returning State Department Files" by staff reporter Jonathan Kwitny who recounted the story of what happened at Channel 5 in Washington, D.C. after newscaster James Adams received a call from inmates at District of Columbia prison, Lorton, Virginia, that they were in possession of confidential U.S. Government files accidentally left in a cabinet sent there for refurbishing. Mr. Adams and Channel 5 news director Betty Endicott notified the State Department, broadcast an announcement of what had happened and turned the documents over to U.S. Senator Charles Mathias because, they said, "he is a member of the Senate Foreign Relations Committee, he is cleared to read classified material and he is in a position where he can provide oversight on security breakdowns."

Immediately there came a vociferous outburst of indignation from media bigwigs Jack Anderson and Seymour Hersh, both professionals being anti-U.S. authorities and anti-U.S. military muckrakers. There representatives and other media characters, says Mr. Kwitny, hounded Mr. Adams and Mrs. Endicott for copies of the classified papers. "You're giving away gold!" they complained. There was indeed a fortune to be made out of the secret U.S. Government documents and their fingers itched for part or all of it. Equally appalled at the lost opportunity at whatever cost to our country's success and prestige was Robert MacNeil of the Public Broadcasting MacNeil-Lehrer Report. What these mercenary careerists appear to want above all else is the chance to place "a smoking gun" in the hands of any public or private individual holding views or taking action which the media elite oppose.

Reporter Jonathan Kwitny interviewed the heads of two influential American schools of journalism about the ethics of James Adams' and Betty Endicott's situation. Naturally, Dean Osborn Elliot of Columbia University School of Journalism said, "A reporter's duty is to report . . . . " Dean James Atwater of the University of Missouri School of Journalism said he would have returned the documents to the State Department without even reading them.

On December 2, 1983, Richard M. Clurman, board chairman of Media and Society Seminars, Columbia University Graduate School of Journalism, wrote an op-ed piece entitled "The Media Learn a Lesson" for the New York Times. Too many journalists, he wrote, "decided that their primary function was to act as adversaries to all the powers that be. Moreover, reporters sometimes are often too poorly prepared for the complex subjects they must cover; others lack training in standards of ethical judgment and conduct. Many, from their bunkers often fail to distinguish between junk and important information. . . . For their own welfare and for the good of our democracy, the media need to start making their case, in words and conduct, better than they have. For now, they are plainly exasperating the public, whose support they need to preserve their protected and crucial vigor."

The key word in Mr. Clurman's statement, in my opinion, is "protected." Assiduously, since 1950, our media have used secrecy—the very means they profess to reject—in order to hide, discredit or keep away from the public the advocacy of domestic and foreign policies which they oppose ideologically. This is how they obtained their overprivileged status. Thus, for example, they were able to censor or suppress exceptionally important books by authorities and experts such as General Thomas Powers, Commander-in-Chief, U.S. Strategic Air Command and by General Albert C. Wedemeyer.

Through misuse of our First Amendment the media have flung open doors shutting out libel and vilest obscenity. They have used the "docudrama" to blot out the distinction between fact and fiction.

Worst of all, most of the overprivileged media elite have sought to ridicule and un-

dermine the traditional ideals of our individual citizen's devotion to duty, honor and country, ideals which have brought out the best in most of us cherishing our Republic of the United States of America.●

REFERRAL OF S. 1329

Mr. BAKER. Mr. President, I have a unanimous-consent request regarding referral which bears the approval notation of the minority leader, and I thank him for his consideration and that of other Senators.

I ask unanimous consent that Calendar No. 643, S. 1329, be referred to the Committee on Energy and Natural Resources for a period of not to exceed 60 calendar days, to consider sections 201 and 204.

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

ORDER FOR LOCATION OF "PROGRAM" IN THE RECORD

Mr. BAKER. Mr. President, I have discussed the next request with the minority leader. Indeed, he brought the matter to my attention, for which I am grateful.

Senators will notice that, usually, in the course of the concluding moments of the session, I ask unanimous consent that a statement of the program for the following day, or sometimes several days in advance, may appear as the last item in the Senate portion of the RECORD for that day. In order to provide that on a regular basis, just in case I forget to ask someday, it might be good to make that proviso for the balance of this Congress. The minority leader has indicated to me that he does not object to that, for which I am grateful.

Therefore, Mr. President, I ask unanimous consent that for the balance of this session of Congress, the statement of the program that may be given by me from time to time will appear as the last item in the Senate portion of the CONGRESSIONAL RECORD for that day, just prior to the adjournment or recess provision.

Mr. BYRD. Mr. President, reserving the right to object—and I do not object—this is valuable information, and it should appear at the point in the RECORD where Senators know they can find it quickly. It seems to me that at the close of the day is the time and the place for that statement by the majority leader, regardless of when during the day he makes it. I think it is an important request and I certainly agree with him.

Mr. BAKER. I thank the minority leader.

Mr. President, I put the request.

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

DUTY-FREE ENTRY OF OLYMPIC EQUIPMENT, PERSONAL EFFECTS, AND RELATED ARTICLES

Mr. BAKER. Mr. President, I believe the request I am about to make has been cleared by the minority leader.

Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on House Joint Resolution 290.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the resolution (H.J. Res. 290) entitled "Joint resolution to permit free entry into the United States of the personal effects, equipment, and other related articles of foreign participants, officials, and other accredited members of delegations involved in the games of the XXIII Olympiad to be held in the United States in 1984", with the following amendment:

In lieu of the matter inserted by said amendment, insert:

That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting in numerical sequence the following new item:

" 915.00	Personal effects of aliens who are participants in or officials of the XXIII Olympiad, or who are accredited members of delegations thereto, or who are members of the immediate families of any of the foregoing persons, or who are their servants; equipment for use in connection with the games; and other related articles as prescribed in regulations issued by the Secretary of the Treasury	Free	Free	On or before 9/30/84 ".

SEC. 2. The amendment made by the first section of this joint resolution shall apply with respect to articles—

(1) entered, or withdrawn from warehouse for consumption, on or after the fifteenth day after the date of the enactment of this joint resolution; or

(2) entered under temporary importation bond after June 30, 1983 and before such fifteenth day.

Mr. DOLE. Mr. President, I am pleased today to bring to the Senate, for its final consideration, House Joint Resolution 290, a bill to provide simplified duty-free treatment of articles imported into the United States for use in next summer's Los Angeles Olympic Games. Although its substance is quite limited in nature and scope, the bill is of major importance to the Los Angeles Olympic Committee's efforts to simplify the preparation of hundreds of athletes and athletic officials worldwide for the competition that will commence in just a few months. I thus urge that my colleagues agree expeditiously to approve this resolution.

House Joint Resolution 290 would provide duty-free entry into the United States for the personal effects of foreign athletes and officials participating in the 1984 summer games, as well as their athletic equipment and other related articles. The intent of this legislation is to facilitate the entry into this country of the foreign participants, members of their immediate families, officials, and accredited members of delegations from the participating countries. The resolution provides that the duty-free treatment it authorizes will expire September 30, 1984; this is, of course, soon after the conclusion of the games. It will apply retroactively to articles entered since July 1, 1983.

Current law would allow these articles to be entered and later reexported without payment of duties. But the required bonding and administrative procedures impose an onerous burden on the participants in the games, who after all will be here for but a short time. Moreover, these visitors look to the Olympic Committee officials to provide smooth entry for them and their necessary equipment—an enormously complex task, given the number of participants and diversity of countries involved. This bill will simplify their burden, allowing resources to be directed to far more important endeavors, such as providing security to our visitors and spectators.

Regulations to be promulgated by the Secretary of the Treasury pursuant to House Joint Resolution 290 will insure that the articles to which it records duty-free treatment will not be later sold in the United States and must be reexported unless consumed or destroyed. These regulations will preclude any possible abuse of this temporary tariff provision.

Mr. President, House Joint Resolution 290 first passed the House of Representatives on April 28, 1983. The Committee on Finance approved and ordered it favorably reported on November 10, 1983, both as House Joint Resolution 290 and as section 140 of H.R. 3398, the omnibus miscellaneous tariff bill. The Senate passed the bill last November 18, but substituted for its text an amendment by Senator MCCLURE relating to a tax matter. The House on Thursday passed the resolution again in the form earlier approved by the Committee on Finance, but that body deleted the amendment by Mr. MCCLURE. Thus, we have reached a point 10 months after the first House approval where the Olympic committee still cannot tell the participants in the games the procedures they must follow in order to enter the United States. With the games scheduled to commence in just a few short months, it is time for the Congress to resolve this matter.

In view of the national interest in hosting a successful olympiad, Senator McCLURE has graciously consented to accede to the House action. I supported his amendment, and therefore share his disappointment in the House action and the circumstances that now force us to move forward on the legislation without his amendment. I wish to express my appreciation for his action, and my continued strong support for his amendment.

Mr. McCLURE. Mr. President will, the distinguished majority leader yield?

Mr. BAKER. I yield to the Senator from Idaho.

Mr. McCLURE. Mr. President, as my colleagues know, this measure passed the Senate during the wanning days of the first session of the 98th Congress. At that time, the Senate approved an amendment I sponsored relating to the relief of States from an unnecessary duplicative tax mailing requirement. Unfortunately, for one reason or another, the House Ways and Means Committee did not approve my amendment and sent House Joint Resolution 290 back to the Senate without my amendment.

I certainly understand the leadership's desire to move this legislation as soon as possible, and I do not want to hold things up. Since the mailing requirement will not affect States until next January, I think there will be another opportunity to move my amendment.

Mr. DOLE. Mr. President, will the Senator from Idaho yield?

Mr. McCLURE. Mr. President, I yield.

Mr. DOLE. Mr. President, I understand the Senator from Idaho's comments and appreciate his willingness to move the Olympic tariff bill. As he knows, the Senate Finance Committee has approved the essence of his amendments, and I do not have any problem with including it in a tax package that moves later this year. I think we can give the States the necessary relief before next January without interfering with this legislation and the Olympics.

Mr. BAKER. Mr. President, I move that the Senate concur in the House amendment.

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

The motion was agreed to.

ORDERS FOR TUESDAY

ORDER FOR RECESS UNTIL 10:30 A.M.

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 10:30 a.m. tomorrow.

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

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS ON TOMORROW

Mr. BAKER. Mr. President, I further ask unanimous consent that on tomorrow, after the recognition of the two leaders under the standing order, Senators SPECTER, MURKOWSKI, PRYOR, and BYRD be recognized for not to exceed 15 minutes each, and in that order.

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

ORDER FOR RECESS ON TOMORROW FROM 12 NOON UNTIL 2 P.M.

Mr. BAKER. Mr. President, tomorrow is Tuesday. As is our custom, I ask unanimous consent that the Senate stand in recess between the hours of 12 noon and 2 p.m.

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

Mr. BAKER. Mr. President, tomorrow will be a busy day. We will have at least two bills up and perhaps more. I hope we can finish both of them.

RECESS UNTIL 10:30 A.M. TOMORROW

Mr. BAKER. Mr. President, that matter is disposed of. I know of no other matter to be dealt with today. The minority leader is in the Chamber. If he has nothing further to address the Senate, and I gather he does not, then I move, in accordance with the order previously entered, that the Senate now stand in recess until 10:30 a.m. tomorrow.

The motion was agreed to; and at 5:20 p.m., the Senate recessed until tomorrow, Tuesday, February 7, 1984, at 10:30 a.m.

HOUSE OF REPRESENTATIVES—*Monday, February 6, 1984*

The House met at 12 o'clock noon.

The Reverend Don Bartow, pastor, Westminster Presbyterian Church, Canton, Ohio, offered the following prayer:

Heavenly Father, enable me and all present to quiet the mind, spirit, and body. May the sacred stillness of our whole being be fertile soil on which Your Spirit may fall.

Among the many things for which we yearn and for which we pray is the spirit of wisdom. Individually and corporately we seek Your wisdom. Please grant to us Your wisdom. In like manner grant that Your wisdom be welcomed. Your wisdom be heeded and Your ways pursued.

Grant to each of us the presence of mind, the determination of spirit, and the courage of soul to search for Your will and to live out Your will in life. May we further the good of all to Your glory and honor. Amen.

THE JOURNAL

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

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 220. Concurrent resolution condemning the action of the so-called Turkish Federated State of Cyprus in declaring itself to be an independent state on Cyprus on November 15, 1983.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1492. An act to establish the Christopher Columbus Quincentenary Jubilee Commission.

The message also announced that the Vice President, pursuant to the provisions of sections 276(h)-276(k) of title 22 of the United States Code, as amended, appoints Mrs. KASSEBAUM to chair the Senate delegation to the Mexico-United States Interparliamentary Group during the 2d session of the 98th Congress.

THE REVEREND DON BARTOW

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

Mr. REGULA. Mr. Speaker, the invocation today was given by Pastor Don Bartow from the 16th District. Pastor Bartow is the senior minister at the Westminster Presbyterian Church in Canton, Ohio, the Football Hall of Fame city. He has been there since 1966.

He began his ministry in 1948.

He has had many goals in life, but none more challenging than that of bringing God's healing power into the ministry, not only to his members but to the members of the community at large.

Pastor Bartow has put his thoughts in many different books that are published and accepted as important texts on the art of healing.

He also does a daily devotional called the Ministry of the Master that is circulated very widely.

Pastor Bartow's writing resources in both books and the daily ministry are used in 50 of the States and in 15 other countries.

In addition, he conducts healing conferences twice a year at the Westminster Church. These effective conferences have reached thousands with the message that a healing ministry can and should be a part of the local body of believers. On Thursday of this week at 10 a.m. he will appear on the 700 Club and tell the story of his healing ministry. He has experienced this personally and brings the message to many others.

Pastor Bartow and his wife Mary work together. His wife is involved in the medical side of healing by working as a certified medical assistant for cardiologists. They both serve as a team working to relate the area of spiritual healing and the field of medicine.

We are pleased that Pastor Bartow could join us in the House today to give the invocation.

GUIDELINES FOR ETHYLENE DIBROMIDE

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

Mr. BROWN of California. Mr. Speaker, last Friday, February 3, EPA issued voluntary guidelines for tolerance limits for the chemical EDB—ethylene dibromide—in ready-to-eat food, as well as in stored and processed grain. EPA has also acted previously to ban EDB for certain uses in agriculture and has extended that ban now to additional uses. The action was hardly a surprise, since it has been under consideration for months, if not years, and in the form finally taken the action was a compromise among many considerations, foremost of which was an effort to balance economic impact on agriculture and the chemical industry against health impacts to the U.S. consumer. The action taken will be unlikely to satisfy very many of the various parties involved. It will have the benefit, however, of raising the issue to a higher level of visibility and hopefully bringing about some further progress in resolving several very important policy issues which must be addressed.

Because I have received a number of inquiries from my colleagues and the media on this issue, as well as some hints that perhaps I, and the subcommittee which I chair, have been less than diligent in addressing this problem, I shall take a special order later in the day to deal with the history of this issue, the policy issues raised by it, and the steps which the Congress must take to solve this particular problem, as well as a substantial number of similar problems which will inevitably surface over the next few years.

In that connection I will include in the RECORD material from our subcommittee reports, as well as GAO and CRS reports which we have requested. I invite any other Members with an interest in this subject to join me in this special order.

GETTING THE TROOPS OUT OF LEBANON

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

Mr. WEAVER. Mr. Speaker, the situation in Lebanon is deteriorating rapidly and most seriously threatening the position of our Marines there. That makes it essential and all the more important that this House address the situation in Lebanon and our Marines immediately.

The Lebanon resolution should be brought up as soon as possible so this House may debate it. I am sure that it is all right with the Democratic leadership that a unanimous-consent request be made to bring up the Lebanon resolution Wednesday or Thursday and I

therefore yield to the Republican leadership to see if they would accept a unanimous-consent request to bring up the Lebanon resolution this week.

The Republican leadership says they would object to having the Lebanon resolution brought up, therefore keeping our Marines in Lebanon, continuing to be threatened and their lives in jeopardy.

□ 1210

WE ARE NOT PLAYING A GAME IN BEIRUT

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

Mr. FRANK. Mr. Speaker, the Reagan administration has just given us a very unfortunate explanation of the phrase "adding insult to injury." To those of us who think that the marines on the ground in Beirut do nothing to advance our national interest and that proper military power can be applied by the 6th Fleet offshore, we have been told by the President's spokesperson that we are aiding and abetting the enemy.

When people objected to that despicable injection of that kind of McCarthy-ite rhetoric into a legitimate debate, his response was that "is the way the game is played."

Mr. Speaker, 1,500 American marines in Beirut are not playing a game. Those of us who think that we are necessarily endangering young American lives for no good reason are not playing a game. Those of us who believe that the proper application of power in the national interest is provided by the 6th Fleet and not by 1,500 marines living 15 feet below the ground in unused cargo containers are not playing a game. We are trying to establish valid parameters for American policy. For the administration to persist in the error that it made of keeping the Marines there, endangering their lives for no purpose is a very serious problem. For them to poison the debate by these kinds of efforts to question people's patriotism when they are in fact expressing what it seems to me is the essence of patriotism, which is to see to the proper protection of the American Armed Forces, only compounds the error.

THE PRESIDENT SHOULD PAY ATTENTION. THIS IS A SENSELESS POLICY

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

Mr. RICHARDSON. Mr. Speaker, the situation in Lebanon is reaching crisis proportions. The recent collapse of the Gemayel government, the resignation of its cabinet, makes the situation in Lebanon untenable and we continue to play politics with the lives of our marines.

I cannot understand how the President, and the Secretary of State, continue to say that our policy will remain unchanged and that they will not pay attention to a congressional resolution urging prompt withdrawal of U.S. Marines. Even after 216 marines have died, even after the Long Commission report, even after the House Armed Services Committee report, even after the collapse this weekend, of virtually all of the Lebanese Government.

Mr. Speaker, what is it going to take to change this senseless policy when the President even says he will not pay attention to a congressional resolution, saying that he does not care what the American people want and what they say.

Mr. Speaker, the American people clearly want to get our marines out from Lebanon, I submit.

Do the American people have a voice in this matter? According to the President and the Secretary of State they do not.

UTILITY RATEPAYERS OUGHT NOT TO BEAR THE RISK OF FAILURES

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

Mr. BOSCO. Mr. Speaker, today the House will be considering the CWIP Policy Act of 1983. The issue before us is whether consumers should be routinely forced to pay for energy they may never receive. Most consumers would rightly say no. Not so the Nation's investor owned utilities. Not content with their position as monopolies—insulated from the pressures of the marketplace, their financial health guaranteed by State and Federal regulators—they are now asking to be relieved of the only significant risks they still bear: The risks involved in building new powerplants with their own money. Those risks are considerable; the money they may waste is their stockholders. Stockholders, unlike utility ratepayers, have the option of taking their business elsewhere if their investments are mismanaged. Ratepayers have no such choice. Ratepayers have no say in the decision to build or abandon a new powerplant. They do not reap the profits from the utility's successful ventures, and they should not be asked to bear the risk of the failures. The traditional restriction on payments for construction work in progress is based on sound principles of capital investment. Consumers have a right to get what they pay for and only pay for what they get.

BARBER CONABLE'S RETIREMENT

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

Mr. MICHEL. Mr. Speaker, no retirement from the House has shocked me more than that of BARBER CONABLE, who announced today he would not seek another term.

I deeply regret his decision to leave us, but I can fully appreciate the reasons why. Many of those reasons are shared by a number of other first-class Republicans who have decided not to run again.

LARRY WINN of Kansas, our ranking member on Science and Technology; JOHN ERLENBORN, my fellow Illinoisan and ranking on Education and Labor; KENNY ROBINSON of Virginia, ranking on Intelligence Committee; JACK EDWARDS of Alabama, ranking on the Defense Subcommittee of Appropriations, and now BARBER CONABLE, ranking on Ways and Means.

These men know the frustration of coming to work every day being outnumbered on the committees on which they serve. They know what it is like not just being subjected to minority status, but being subjected to unfair and unequal minority status to boot.

There is more work, less reward, less credit, less dignity and decorum and more harassment.

The American people will never understand or appreciate what BARBER and these other individuals have done or the devastating loss to the legislative process that will result from their leaving this body.

We need good men and women in Government, but they are leaving.

We all had better start asking ourselves why. And for me personally, make a plea to my side "No more please. Don't leave me stranded."

VOLUNTARY SCHOOL PRAYER

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

Mr. WALKER. Mr. Speaker, at this time I would hope to offer a unanimous consent request calling for consideration of an amendment to permit voluntary school prayer. The Chair has ruled that in order to make this request, I must have the clearance of the majority and minority leaderships. This request has been cleared by the minority leadership. I would now yield to a spokesman for the majority leadership for an appropriate clearance.

Am I getting the appropriate clearance from the gentleman from Louisiana?

Now he is shaking his head no.

All right, Mr. Speaker. Mr. Speaker, I hear no response, even on a day when we have very little scheduled in

the way of legislative business we cannot take up this issue that is a vital concern to about 85 percent of the American people.

That should make it clear to the American people who stands in the way of voluntary school prayer, the Democratic leadership of this House.

AMENDMENT TO REQUIRE A BALANCED BUDGET

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

Mr. WEBER. Mr. Speaker, I too rise in an attempt to free one of the hostage amendments, in this case an amendment that has been spearheaded in this body by the the gentleman from New York (Mr. CONABLE), whose retirement was unfortunately announced today.

Therefore, Mr. Speaker, at this time I would hope to offer a unanimous consent request calling for consideration of an amendment to require a balanced budget.

The Chair again has ruled that in order to make this request, I must have the clearance of the majority and minority leaderships. This request has been cleared by the minority leadership and I would yield to a spokesman from the majority for an appropriate clearance.

Hearing none, it should be clear again to the American people who is holding the balanced budget amendment hostage, the Democratic leadership.

WHAT A DIFFERENCE A YEAR MAKES

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

Mr. GEKAS. Mr. Speaker, what a difference a year makes.

Last year at this time there was a daily parade of individuals who would have taken the microphone and begin to chastise the President of the United States for his economic policies, citing the unemployment figures, which were going up and up, the gross national product figures, which were going down.

What a difference a year makes.

Here we stand here today without one critic of the economic picture of the United States having taken the podium. Why? Because unemployment is significantly down, gross national product is up, average weekly income for the American people is up, and all the economic indicators point toward not just a recovery but an unprecedented period of prosperity in which we will all share as American citizens.

It now is the duty of all of us to face clearly, even more, action on the part of this Congress as to those deficits by cutting spending and doing the other things that will be necessary to make sure that this economy stays on the upswing.

I thank the Speaker.

ON PERMITTING A LINE-ITEM VETO

(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, I too am rather distressed by the words that we heard this morning of BARBER CONABLE's decision not to run for reelection. I hope that his decision was not affected a great deal by the ratios and the other things that we in the minority have to put up with. I personally, and I know other Members certainly also, looked to Members such as BARBER CONABLE for direction and for experience.

I just left the Budget Committee hearings, the first that we have held so far this year, and I listened to the discussion centering around whether we could do anything about a downpayment on the budget deficits for 1985.

I am pleased to say that there was more positive discussion this morning than in all of what I heard last year. But in order to really be able to do something significant, I also believe that we have to do something about a line-item veto.

Therefore, at this time I had hoped to offer a unanimous-consent request calling for consideration of an amendment to permit a line-item veto.

The Chair has ruled that in order to make this request I must have clearance of the majority and minority leadership. This request has been cleared by the minority leadership.

I would now yield to a spokesman for the majority leadership for an appropriate clearance.

Mr. Speaker, I hear no response.

That should make it clear to the American people who stands in the way of the line-item veto, the Democratic leadership of this House.

□ 1220

CONGRESSIONAL RESEARCH SERVICE

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

Mr. AKAKA. Mr. Speaker, I am sure that not one of my colleagues will disagree with me when I say that the Congressional Research Service is one of the most valuable resources that we have on Capitol Hill. Often, CRS is a resource that all of us take for granted. I know for certain that my office simply could not function efficiently if CRS did not exist.

In addition to providing us with information when we need it, CRS also provides Members and their offices with a series of ongoing programs. These programs encompass a wide range of subject material: information sources, the legislative process and public policy issues. All of these programs are dedicated to the professional development of congressional staff. CRS offers us: the Public Policy Issues Institute, the Capitol Hill Information Seminar, three levels of Legislative Institutes, the District/State Staff Institute, the Budget Institute, and a wide range of seminars and workshops.

These programs are exceptionally well put together and serve as an invaluable tool to us and our staff, as we go about our business of serving the Nation's people.

Mr. Speaker, I want to take this opportunity to encourage all of my colleagues to take full advantage of the programs offered by CRS. I also want to take this opportunity to congratulate the Director of CRS, Mr. Gilbert Gude, on the excellence of his organization. Let me also extend my heartfelt thanks and appreciation to every employee of CRS for a job well done. To you, I say: We just couldn't do it without you.

Mr. Speaker, I am inserting the "1984 Projected Institute Dates," and "CRS Products" immediately following my remarks.

CRS PRODUCTS

CRS reports: Each year the Service prepares several thousand background reports and duplicates those reports which seem to be of general interest. [Example order code: 83-112 ENR]

Issue briefs: Concise objective analyses of major issues of congressional and national concern. Updated regularly. They are available in printed form and online via the CRS Major Issues System on SCORPIO. [Example order code: IB82073] They are available for immediate pickup (weekdays 7:30 am-9:00 pm) from Room LM-226, James Madison building. Newer available titles are listed in IB78300 and archived titles in IB77001 (not listed in this publication).

Mini briefs: Short analyses on specific topics of limited scope. Updated regularly. They are available both in printed form and online via the CRS major Issues System on SCORPIO. [Example order code: MB82226]

Congressional publications: CRS studies and reports which were published by authority of Congress in various forms, including committee prints, published hearings of congressional committees, and those that were inserted into the CONGRESSIONAL RECORD at the request of a Member. [Example order code: CP 1435]

Info packs: Readily available packets of background information on current topics of national interest. Info Packs usually contain Issue Briefs, CRS Reports, and other substantial informative materials.

Prepared for those desiring general information, they are helpful to Members and their staffs for background, for aid in writing speeches, and for help in writing replies

to constituents. [Example order code: IP0042F]

Audio briefs: Cassettes of a conference or discussion on an active legislative topic. [Example order code: AB50056]

Bibliographies-in-brief: Prepared for a layman seeking general information, these are bibliographies on narrow topics, seldom more than four pages long. The materials cited are of a type usually available in a public or college library. [Example order code: L0092]

CRS report bibliographies: Annotated listings of literature on a specific topic, prepared for the "sophisticated layman" or the expert. The materials listed are of a research nature and may be expected to be found only in depository or larger research libraries, including the Library of Congress. [Example order code: 83-153 L]

Research guides: Guides to sources of information on a specific topic. They are intended to assist a researcher in selecting the types of information appropriate to a particular project or interest. Research Guides describe the research tools available to congressional staff in the Madison Congressional Reading Room and elsewhere in the Library of Congress. They generally include sources for tracking legislation and legislative information, representative citations to relevant publications, and list organizations concerned with the topic. [Example order code: R008]

1984 PROJECTED INSTITUTE DATES

Public Policy Issues Institute: January 10-12, 1984; and January 17-19, 1984.

Capitol Hill Information Seminar: See Seminar Calendar on back of Update and Review.

One-Day Legislative Institute: February 3, 1984; March 23, 1984; May 11, 1984; July 20, 1984, and October 5, 1984.

Advanced Legislative Institute: February 16-18, 1984; April 26,-28, 1984; June 21-23, 1984, and September 6-8, 1984.

Graduate Legislative Institute: April 13-16, 1984, and August 25-28, 1984.

District/State Institute: March 6-8, 1984; May 22-24, 1984; July 24-26, 1984; September 18-20, 1984, and December 4-6, 1984.

HON. BARBER B. CONABLE, JR., TO RETIRE

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

Mr. FRENZEL. Mr. Speaker, I want to follow the minority leader, the gentleman from Illinois, Mr. BOB MICHEL, in calling attention to the pending retirement of the gentleman from New York, Mr. BARBER B. CONABLE, JR.

All of us know that there is no essential Member in this House and yet, in my judgment, BARBER CONABLE comes as close to being the essential Member as I have seen in my years of service.

I think all of us will respect his choice. It is a wise politician who knows when to retire.

Nevertheless, this House, his constituents, and our Republic are going to be the poorer because of his retirement.

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

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

Mr. KEMP. I thank the gentleman for yielding.

The gentleman serves with him on the Ways and Means Committee. I serve with him in western New York. His district is contiguous to mine.

I think BARBER CONABLE is truly the epitome of what we are meant to be as U.S. Congressmen, and Congressmen who put our country ahead of party. BARBER CONABLE will not only be missed by those of us on this side of the aisle, I am sure he will be missed by this Nation, which owes him a great debt of gratitude.

And I appreciate the gentleman from Minnesota alluding to the tremendous example he has set for all of us, Republican and Democrat alike.

Mr. FRENZEL. I thank the gentleman.

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

Mr. FRENZEL. I yield to the distinguished dean of the New York delegation.

Mr. HORTON. I thank the gentleman for yielding.

Mr. Speaker, I want to share the sentiment that the gentleman has already expressed and our leader, BOB MICHEL, expressed earlier about the intended retirement of BARBER CONABLE from the Congress.

He has been here 20 years. Of the 22 years I have been here, I have served 20 of them with him. His district includes part of the city of Rochester, which I represent.

I do not think we have had a finer Representative from any part of the country than BARBER CONABLE. He is highly intelligent, very experienced, and he is the kind of people that we cannot do without. He is one of the outstanding legislators and we are going to miss his presence here in the 99th Congress.

Mr. FRENZEL. I thank the gentleman for his contribution.

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

Mr. FRENZEL. I yield to the distinguished gentleman from Ohio.

Mr. PEASE. I thank the gentleman for yielding.

Lest this appear to be exclusively a love fest on the part of the minority party, I would like to add my words also in praise of BARBER CONABLE.

During the years that I have been on the Ways and Means Committee, he has done an absolutely outstanding job of leading the minority side of the Ways and Means Committee, has provided a great many insights and a great deal of knowledge on tax matters to the Ways and Means Committee.

The committee is going to sorely miss him in the years ahead.

Mr. FRENZEL. I thank the gentleman.

Mr. MARTIN of New York. Mr. Speaker, will the gentleman yield?

Mr. FRENZEL. I yield to the distinguished gentleman from New York.

Mr. MARTIN of New York. I thank the gentleman for yielding.

Very briefly, I would like to be associated with the remarks of the gentleman as well as the previous speakers.

I have know BARBER CONABLE not only as a colleague here in the House, but when I was in the State assembly, we looked to BARBER in a great many instances to help us out in interfacing the tax policies between the State and Federal Governments. And he was always willing and always able to take the time and resolve the problems that you had.

I solute BARBER CONABLE for his many years of outstanding service to this country.

CONTRADICTIONS IN THE PRESIDENT'S BUDGET

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

Mr. MOODY. Mr. Speaker, today I continue to point up the contradictions and inaccuracies in the President's recent economic messages and budget.

The President said in his state of the Union message and elsewhere that taxes are the same as borrowing because they both take the same amount of money from the private sector. He obviously has a preference for borrowing as opposed to taxes.

This statement is factually incorrect. Borrowing comes strictly from capital, strictly from the money that would be invested in investment. Whereas taxes come from both consumption and from savings. Therefore, part of the burden of taxes is taken out of consumption; whereas borrowing comes strictly out of capital, an important inaccuracy the President continues to perpetuate.

Second, his statement does not take account of the interest cost of borrowing. In 1985, the budget before us contemplates $164½ billion in interest cost for the Federal budget deficit and debts before it, not the $116 billion figure which has frequently been used, because that $116 billion figure, Mr. Speaker, represents a number of offsets, predominantly interagency interest charges between branches of the Government and therefore, are misleading and grossly understates the costs of borrowing. The cost of borrowing is $164½ billion.

NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT

Mr. BREAUX. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2809) to establish a U.S. Fish and Wildlife Foundation, with the Senate amendments thereto, concur with the Senate amendments numbered 1, 2 and 3, and concur in the Senate amendment numbered 4 with an amendment.

The Clerk read the title of the bill.

□ 1230

The SPEAKER. The Clerk will report the Senate amendments and the proposed House amendment.

The Clerk read as follows:

Senate amendments: Page 2, line 8, strike out "fish and wildlife" and insert "fish, wildlife, and plant".

Page 3, line 11, after "filled" insert "within sixty days of said vacancy".

Page 6, line 19, strike out "malfeasance;" and insert "gross negligence,".

Page 9, line 18, strike out "October 1, 1983," and insert "October 1, 1984,".

House amendment to Senate amendment No. 4: At the end of Senate amendment numbered 4, insert the following: "and on page 3, line 4, strike out '1983' and insert '1984'."

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

Mr. LENT. Mr. Speaker, reserving the right to object, and I will not object, I yield to the chairman of the subcommittee for an explanation of the amendment.

Mr. BREAUX. Mr. Speaker, H.R. 2809 would establish a National Fish and Wildlife Foundation.

In 1978, with the passage of the Fish and Wildlife Improvements Act, Congress authorized the U.S. Fish and Wildlife Service to accept virtually all forms of donations, both in the form of real and personal property. This provision of law has proved to be beneficial, particularly in terms of donations of wildlife habitat. However, there is no mechanism for the Fish and Wildlife Service to manage trusts or other requests that are designed to provide income over an extended period of time. H.R. 2809 resolves this problem by establishing a Fish and Wildlife Foundation, similar to the U.S. Part Service Foundation, to accept and administer gifts of real or personal property or income therefrom for the benefit of the U.S. Fish and Wildlife Service and to further the conservation and management of fish and wildlife resources.

The Foundation that would be established by the legislation would be a charitable and nonprofit corporation. It would be administered by a Foundation Board consisting of nine members appointed by the Secretary of the Interior. The initial terms of the Foundation Board would be staggered to insure continuity. At least three members of the Board would have to be educated and experienced in the principles of wildlife management. The legislation also provides that the members of the Board, to the extent practicable, represent diverse points of view relating to fish and wildlife conservation. The Secretary would be authorized to provide administrative support to the Foundation for a period of 5 years after the legislation is enacted. An authorization of $1 million over a 10-year period in matching funds included in the legislation would encourage private contributions and accelerate the establishment of a meaningful endowment.

We passed this legislation out of the House on July 12, 1983. In the last days of the last session, the other body sent it back to us with some minor changes, the most significant of which is to include the conservation of rare plants as a purpose of the Foundation. None of the changes affect the substance of the bill.

Mr. Speaker, with tight budgets limiting the roles of the Fish and Wildlife Service, and with the great interest many Americans have in conserving wildlife, we believe this legislation could provide some very needed support to an agency whose role is important to maintaining the quality of life in this country and we urge its adoption.

Mr. LENT. Mr. Speaker, I thank the gentleman for his explanation.

● Mr. JONES of North Carolina. Mr. Speaker, the bill before us today is H.R. 2809, legislation to establish a National Fish and Wildlife Service Foundation.

This legislation establishes the Foundation as a nonprofit organization with the authority to receive, accept, and manage all forms of donations, trusts, and bequests. It allows for a nine-member Board of Directors to be appointed by the Secretary of the Interior for 6-year terms. The Board will consist of persons knowledgeable or experienced in fish and wildlife conservation who represent diverse points of view on related issues. The Board will appoint officers and employees when there is enough money in the Foundation to sustain a staff. The Chief Executive Officer, who is appointed by the Board, must also be knowledgeable in fish and wildlife matters.

This measure was favorably reported by both the Merchant Marine and Fisheries Committee and the Ways and Means Committee. It passed the House of Representatives by a unanimous voice vote under suspension of the rules on July 12, 1983.

Today the House is considering H.R. 2809, as amended by the Senate. The Senate amendments include four technical changes, outlined below, which bring the bill into conformity with existing laws and procedures.

The first change occurs in section 2 of the bill where the purposes of the Foundation were amended to include conservation and management of plant resources.

The second change occurs in section 3 of the legislation where the Senate included language which would require that a vacancy on the Board of Directors be filled within 60 days. Prior to this amendment, there was no time limit for filling such a vacancy.

The third change occurs in section 4 which establishes the rights and obligations of the Foundation. The Senate version says the Directors cannot be personally liable except for "gross negligence," whereas the House bill used the word "malfeasance." This change conforms the bill to the usual standard for personal liability.

The fourth change made by the Senate makes the authorization contained in this bill effective October 1, 1984, in lieu of October 1, 1983, since the earlier date has already passed.

I urge my colleagues to adopt the Senate changes and pass H.R. 2809 so that those individuals and groups who wish to make assets available to the Fish and Wildlife Service for the protection of our precious natural resources may do so without difficulty.●

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

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

There was no objection. A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

AUTHORIZING APPROPRIATIONS THROUGH FISCAL YEAR 1986 FOR CERTAIN NATIONAL WILDLIFE REFUGES

Mr. BREAUX. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1723) to authorize appropriations through fiscal year 1986 for the Great Dismal Swamp, Minnesota Valley, and San Francisco Bay National Wildlife Refuges, with Senate amendments thereto, concur in Senate amendments numbered 1, 2, 3, 4, 5, and 6, and concur in Senate amendment numbered 7 with an amendment.

The Clerk read the title of the bill.

The SPEAKER. The Clerk will report the Senate amendments and

the proposed House amendment to Senate amendment numbered 7.

The Clerk read as follows:

Senate amendments: Page 1, line 7, after "802)," insert "as amended,".

Page 2, line 1, strike out "$34,100,000".

Page 2, line 2, strike out "and ending September 30, 1986," and insert "$34,100,000, to remain available until expended".

Page 2, strike out lines 7 to 19, inclusive, and insert:

(a) Section 4(a)(1) of the Act entitled the "Minnesota Valley National Wildlife Refuge Act", approved October 8, 1976 (Public Law 97-466, 90 Stat. 1993), is amended by—

(1) striking "9,500" and inserting in lieu thereof "12,500"; and

(2) striking "November 1975" and inserting in lieu thereof "October 1983".

(b) Section 4(b)(1) of such Act of October 8, 1976 (90 Stat. 1993), is amended by—

(1) striking ", within 6 years after the date of enactment of this Act,"; and

(2) adding at the end thereof the following new sentence: "Notwithstanding any 'least interest' policy, the Secretary shall accept and acquire by donation any lands, water, and interests therein, within the boundaries of the refuge, which are offered as a donation by any State or local government agency, person, or private organization.".

(c) Section 10(a) of such Act of October 8, 1976 (90 Stat. 1996), is amended by striking out "$14,500,000 for the period beginning October 1, 1977, and ending September 30, 1983" and inserting in lieu thereof "$29,500,000, to remain available until expended".

(d) Section 10(b) of such Act of October 8, 1976 (90 Stat. 1996), is amended by striking out "$6,000,000 for the period beginning October 1, 1977, and ending September 30, 1986" and inserting in lieu thereof "$9,800,000, to remain available until expended".

Page 3, line 1, after "400)," insert: as amended,

Page 3, line 1, strike out " "September" and insert " "the close of September".

Page 3, line 2, strike out " "September 30, 1986;" " and insert "expended;".

House amendment to Senate amendment numbered 7: On page 3 of the House engrossed bill after line 2, insert the following:

SEC. 4. PAYMENT OF COSTS FOR TEMPORARY CARE OF ANIMALS AND PLANTS PENDING DISPOSITION OF PROCEEDINGS

Section 6(d) of the Lacey Act amendments of 1981 (16 U.S.C. 3375(d)) and section 11(d) of the Endangered Species Act of 1973 (16 U.S.C. 1540(d)) are each amended—

(1) by amending the subsection side heading to read as follows: "REWARDS AND CERTAIN INCIDENTAL EXPENSES.—"; and

(2) by amending the first sentence—

(A) by striking out "a reward" and inserting in lieu thereof a common;

(B) by inserting "(1) a reward" immediately before "to any person"; and

(C) by inserting immediately before the period the following: ", and (2) the reasonable and necessary costs incurred by any person in providing temporary care for any fish, wildlife, or plant pending the disposition of any civil or criminal proceeding alleging a violation of this Act with respect to that fish, wildlife, or plant".

Mr. BREAUX (during the reading). Mr. Speaker, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

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

Mr. LENT. Mr. Speaker, reserving the right to object, and I will not object, I would like to yield to the chairman of the subcommittee for an explanation of the amendments.

Mr. BREAUX. I thank the gentleman for yielding.

Mr. Speaker, the legislation before the House, H.R. 1723, originally passed the House on April 19, 1983. The other body passed the bill in the last hours of the last session after adopting an amendment that I will explain shortly.

The purpose of H.R. 1723 is to extend for 3 years the current authorization for the acquisition of three national wildlife refuges. These refuges include: Great Dismal Swamp, Minnesota Valley, and San Francisco Bay. In addition, the bill would increase the authorization for appropriation for land acquisition and development at the Great Dismal Swamp and the Minnesota Valley National Wildlife Refuges.

The three refuges being considered for reauthorization are worthy components of the national wildlife refuge system providing not only habitat for wildlife, but also, because of their proximity to large population centers, providing millions of citizens the opportunity to develop a greater appreciation of the importance of wildlife. However, the projected habitat improvement and public use development needs necessary to maintain the quality of wildlife habitat and to provide wildlife education and recreation to the public will require an increase in authorizations. This bill would provide for the necessary increase in authorization levels to preserve these important refuge areas.

Mr. Speaker, as I indicated, when the other body passed this bill, it passed an amendment that would extend, until expended, the authorization of funds available for acquisition and development of Great Dismal Swamp National Wildlife Refuge and land acquisition of San Francisco and Minnesota Valley National Wildlife Refuges. In addition, the other body amended the bill to increase the acreage of the Minnesota Valley National Wildlife Refuge by 2,900 acres and increase the authorization for land acquisition to $29.5 million to reflect the cost of the additional land. This adjustment of the refuge boundaries as proposed in the Minnesota Valley National Wildlife Refuge master plan prepared by the Department of the Interior would involve boundary realinement of lands lying within the designated refuge and recreation area to insure better protection and resource management. The expansion of boundaries beyond that area authorized by Congress would facilitate public use of the area. Finally, the amendment of the other body would require that the Fish and Wildlife Service acquire full fee title on lands that are now being offered for sale rather than partial interests.

Mr. Speaker, we propose to accept the amendment of the other body with a minor amendment of our own to address a problem that has been brought to our attention by the U.S. Fish and Wildlife Service and the American Association of Zoological Parks & Aquariums. The problem involves the enforcement of the provisions of the Lacey Act and the Endangered Species Act relative to preventing the importation of endangered species or illegally captured animals from abroad. The Fish and Wildlife Service has no facilities for holding animals that they confiscate. Traditionally, they have turned these animals over to zoos or aquariums for keeping while forfeiture proceedings progress through the administrative or court proceedings. When, and if, the animals are eventually forfeited, the defendants are usually required to repay the zoos for the upkeep of the animals. Animals that are endangered or threatened are given to the zoos in partial recompense for upkeep costs. Unfortunately, not all confiscations end in forfeiture. As the Members know, courts often find for the defendants and the birds are returned to the owners. The result is that the zoos can lose thousands of dollars in upkeep charges.

The amendment we have offered is simple. It would allow the Fish and Wildlife Service to use the proceeds of fines and forfeitures to provide reasonable costs for providing the temporary care of live animals. Under present law, the Service can use the proceeds of these fines and forfeitures to pay rewards. They estimate that the cost of this provision will amount to less than $100,000 per year and greatly enhance the wildlife enforcement effort at our ports.

I urge my colleagues to join me in supporting this bill.

Mr. LENT. Mr. Speaker, I thank the gentleman for his explanation.

● Mr. JONES of North Carolina. Mr. Speaker, I rise in support of H.R. 1723, legislation reauthorizing the Great Dismal Swamp, the Minnesota Valley and the San Francisco Bay National Wildlife Refuges. These three refuges are vital parts of the national wildlife refuge system. In addition to conserving important wildlife species and critical habitat, they provide interpretive and educational programs, allowing the public to attain an indepth understanding of the values of fish and wildlife resources.

The Merchant Marine and Fisheries Committee reported this legislation unanimously on April 13, 1983, and on April 19, 1983, the House of Repre-

sentatives passed H.R. 1723 by a unanimous vote.

The Senate passed this bill on November 17, 1983, with amendments. One change from the House bill relates to the length of the reathorization. The House reauthorized appropriations for each of the three refuges through September 30, 1986. The Senate chose to extend these authorizations until the available levels are expended.

The other changes are designed to address specific problems concerning the Minnesota Valley National Wildlife Refuge. These changes amend the boundary of that refuge to include those areas which have been identified as compatible to it and allow the State and local governments to donate land to the Minnesota Valley National Wildlife Refuge.

I have examined the Senate amendments very closely. They are beneficial to the refuges involved and are entirely acceptable to the Merchant Marine and Fisheries Committee.

Mr. Speaker, we have one minor amendment to the Senate amendments which is designed to resolve a longstanding inequity without any additional cost to the Government. It will permit the U.S. Fish and Wildlife Service to reimburse zoos and other facilities out of existing funds for care and feeding of animals confiscated under the Lacey and Endangered Species Acts. It is my understanding that the Senate has no objection to this amendment and will bring this measure to final passage without delay.

I strongly urge my colleagues to give their support to H.R. 1723, as amended, so that acquisition of these important wildlife refuges may proceed without further delay.●

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

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, which be taken on Tuesday, February 7, 1984.

INSPECTOR GENERAL ACT AMENDMENTS OF 1984

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3625) to amend the Inspector General Act of 1978 to establish offices of Inspector General in certain departments, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3625

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 "Inspector General Act Amendments of 1984".

DEPARTMENTS OF ENERGY, HEALTH AND HUMAN SERVICES, JUSTICE, AND THE TREASURY

SEC. 2. (a) Section 2(1) of the Inspector General Act of 1978 (Public Law 95-452; 5 U.S.C. App.) is amended—

(1) by inserting "the Department of Energy, the Department of Health and Human Services," immediately after "the Department of Education,";

(2) by inserting "the Department of Justice," immediately after "the Department of the Interior,";

(3) by inserting "the Department of the Treasury," immediately after "the Department of Transportation,"; and

(4) by striking out "the Community Services Administration,".

(b) Section 9(a)(1) of such Act is amended—

(1) by striking out subparagraph (H);

(2) by redesignating subparagraphs (E), (F), (G), (I), (J), (K), (L), (M), and (N) as subparagraphs (G), (H), (J), (K), (M), (N), (O), (P), and (Q), respectively;

(3) by inserting after subparagraph (D) the following new subparagraphs:

"(E) of the Department of Energy, the Office of Inspector General (as established by section 208 of the Department of Energy Organization Act);

"(F) of the Department of Health and Human Services, the Office of Inspector General (as established by title II of Public Law 94-505);";

(4) by inserting after subparagraph (H), as redesignated by paragraph (2), the following new subparagraph:

"(I) of the Department of Justice, the offices of that Department referred to as the 'Audit Staff, Justice Management Division', the 'Evaluation Staff, Justice Management Division', the 'Office of Professional Responsibility, Immigration and Naturalization Service', the 'Office of Field Inspections and Audit, Immigration and Naturalization Service', the 'Office of Internal Inspections, United States Marshals Service', the 'Financial Audits Section, Office of Financial Management, Bureau of Prisons', the 'Office of Inspections, Bureau of Prisons', and, from the Drug Enforcement Administration, the 'Office of Inspections', and that portion of the 'Office of Program Planning and Evaluation' which is engaged in program review activities;"; and

(5) by inserting after subparagraph (K), as so redesignated, the following new subparagraph:

"(L) of the Department of the Treasury, the office of that Department referred to as the 'Office of Inspector General', that portion of the 'Office of Inspection, Secret Service', which is engaged in internal audit activities, that protion of the 'Office of Internal Affairs, Bureau of Alcohol, Tobacco and Firearms', which is engaged in audit, investigation, and program review activities, and that portion of the 'Office of Management Integrity, Customs Service', which is engaged in audit, investigations, and program review activities;".

(c) Section 11 of such Act is amended—

(1) by inserting "Energy, Health and Human Services," immediately after "Education," each place it appears in paragraphs (1) and (2);

(2) by inserting "Justice," immediately after "the Interior," each place it appears is such paragraphs;

(3) by striking out "or Transportation" each place it appears in such paragraphs and inserting in lieu thereof "Transportation, or the Treasury,";

(4) by striking out "Community Services," in paragraph (1); and

(5) by striking out "the Community Services Administration," in paragraph (2).

OATH ADMINISTRATION AUTHORITY

SEC. 3. Section 6(a) of the Inspector General Act of 1978 is amended—

(1) by redesignating paragraphs (5) through (8) as paragraphs (6) through (9), respectively, and

(2) by inserting after paragraph (4) the following new paragraph:

"(5) to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the functions assigned by this Act, which oath, affirmation, or affidavit when administered or taken by or before an investigator or such other employee of an office of Inspector General designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal;".

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 4. (a) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"Inspector General, Department of Justice.

"Inspector General, Department of the Treasury.

"Inspector General, Agency for International Development.

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Environmental Protection Agency

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Small Business Administration.".

(b) Section 5316 of such title is amended by striking out the following paragraphs:

"Inspector General, Department of Commerce.

"Inspector General, Department of the Interior.

"Inspector General, Environmental Protection Agency.

"Inspector General, General Services Administration.

"Inspector General, National Aeronautics and Space Administration.

"Inspector General, Agency for International Development.

"Inspector General, Small Business Administration.".

(c)(1) Title II of Public Law 94-505 and section 208 of the Department of Energy Organization Act (42 U.S.C. 7138) are hereby repealed.

(2) Notwithstanding the repeal of section 208 of the Department of Energy Organization Act by paragraph (1) of this subsection, the position of Deputy Inspector General of the Department of Energy established by subsection (a)(2) of such section shall continue until there is a vacancy in that office.

EFFECTIVE DATE

SEC. 5. This Act and the amendments made by this Act shall take effect on October 1, 1984.

Mr. SPEAKER. Is a second demanded?

Mr. HORTON. Mr. Speaker, I demand a second.

The SPEAKER. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. BROOKS) will be recognized for 20 minutes and the gentleman from New York (Mr. HORTON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. BROOKS).

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

Mr. Speaker, H.R. 3625, the Inspector General Act Amendments of 1984, would create Offices of Inspector General in the last remaining departments without such offices—the Departments of Justice and Treasury. Other provisions of the bill would conform the existing Offices of Inspector General in the Departments of Energy and Health and Human Services to the Inspector General Act of 1978. Additionally, as requested by the administration, the bill would establish authority for Inspector General personnel to adminster oaths, affirmations, and affidavits and would standardize the salaries of Inspectors General established by the 1978 act.

When the Inspector General Act was originally passed, the Departments of Justice and Treasury were excluded in order to permit additional studies of their operations. The committee's reviews and testimony taken during hearings, however, indicated that these Departments are no different from others in their need to have an Inspector General, and the committee has recommended in three Congresses that Offices of Inspector General be established in both the Department of Justice and the Department of the Treasury. The House approved the necessary legislation in the 96th Congress and again in the 97th Congress. Unfortunately, the Senate never acted on the House-passed bills.

Mr. Speaker, the 1978 act was approved after a review disclosed that audit or investigative units in most agencies were without effective central leadership. The review also found that agency auditors and investigators lacked independence, because they were subordinate to officials who were responsibile for the programs under review. In addition, no procedures existed to assure the Congress was informed of serious problems disclosed by audits and investigations. All of the other departments and agencies now covered by the Inspector General Act originally protested the establishment of independent Inspectors General, just as Treasury and Justice have done. However, I do not know of any department or agency who would now like to see its Office of Inspector General abolished. Inspectors General help management by pointing out problem areas; they report and recommend. They do not interfere with management's direction of an agency.

Mr. Speaker, the administration strongly supports the inspector general concept and has, in fact, established a Council made up of the various Inspectors General to help eliminate problems which cut across the jurisdiction of more than one agency. The 17 existing Inspectors General are working successfully to prevent fraud and waste and improve the efficiency of Government operations. I urge Members to go on record once again in strong support of establishing these offices in the two remaining departments. I urge you to vote for H.R. 3625.

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

Mr. Speaker, I rise to join my distinguished friend from Texas in strong support of H.R. 3625, the Inspector General Act Amendments of 1984. It is a carefully constructed, long-overdue piece of legislation which—if enacted—will give us independent Inspectors General in the Departments of Justice and Treasury. Enactment of this legislation would bring to 19 the number of independent Inspectors General rooting out fraud, waste, and abuse in major Federal agencies and departments.

The concept of having Inspectors General in Federal departments and agencies was started by the Government Operations Committee in 1976 when I established an IG in the old Health, Education, and Welfare Department, and in 1978 when it passed the Omnibus Inspectors General Act which placed Inspectors General in 12 other departments and agencies. In 1980, IG's were created for an additional five agencies. And finally in 1982, an IG was placed in the Department of Defense. All of these IG's are appointed by the President and are independent of the heads of the agencies they review.

I can tell you today without hesitation that the independent Inspector General concept is working and is producing dramatic results. The latest report from the President's Council on Integrity and Efficiency, tells us that—

> In the six months ended September 30, 1983, the combined activities of the Inspectors General resulted in over $8.4 billion in direct savings and improved use of funds, totaling $13.8 billion for the year, and $30.8 billion since March 1981.

The fact of the matter, Mr. Speaker, is that—like other agencies and departments—Justice and Treasury can be subject to waste, fraud, and abuse and should benefit from the effective work of independent Inspectors General.

Mr. Speaker, I strongly support H.R. 3625 and urge its approval.

□ 1240

Mr. HORTON. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. REID). The question is on the motion offered by the gentleman from Texas (Mr. BROOKS) that the House suspend the rules and pass the bill, H.R. 3625, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

FEDERAL DEFICIT UNDERMINING AMERICA'S INDUSTRIES

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

Mr. SEIBERLING. Mr. Speaker, although it is inevitable that the deficit be a political issue, and even though it is an election year, the Nation simply cannot afford to postpone taking significant action to reduce the deficit until next year. Next year, in all probability, will be too late.

The Washington Post of February 1, 1984, in an article by Peter Behr, re-

ports that a new study prepared for nine of the Nation's largest industrial corporations by Data Resources, Inc., concludes that the American economy cannot remain strong unless its manufacturing industries are healthy and growing. The report is quoted as saying:

A nation that casually surrenders leading industrial positions through policies of neglect will find it difficult to stage a comeback.

The report criticizes Federal policymakers for creating a tax system and borrowing policies that favor commercial construction over new factories. It also condemns the overvaluation of the dollar, which resulted in last year's trade imbalance of over $80 billion and a projected trade imbalance of $100 billion in 1984.

The president of Data Resources Inc., Otto Eckstein, is reported as saying that the most important step the administration and Congress can take to reduce interest rates and bring the overvalued dollar down is to reduce the Federal deficit. Mr. Eckstein also criticized the idea that we can allow industrial growth to decline in favor of a service economy, pointing out that manufacturing is crucial to strong economic growth. I agree wholeheartedly, on both points.

Rightwing economists, whose thinking still dominates the Reagan administration, are still chanting the theme of letting the marketplace direct the economy, as though the distortions caused by the administration's $200 billion deficits and $300 billion defense budgets were somehow taking place on another planet. A similar blindness to economic reality afflicted the Republican administrations immediately preceding the Great Crash of 1929 and the Great Depression that followed. If we fail to heed the warning signs this time, the ensuing depression could make the Great Depression of the 1930's look like a picnic.

The full text of the Post article follows these remarks:

DEFICITS, INDUSTRY EROSION TIED

(By Peter Behr)

The strength of American industry is being severely eroded by inflated federal budget deficits, an over-valued dollar and governmental neglect, according to a new study prepared for nine of the nation's largest industrial corporations.

The study, by Data Resources Inc., concludes that the American economy cannot remain strong unless its factories and manufacturing plants are healthy and growing.

"A nation that casually surrenders leading industrial positions through policies of neglect will find it difficult to stage a comeback," said the DRI report, which was sponsored by American Telephone & Telegraph Co., Bethlehem Steel Corp., Burlington Industries Inc., E. I. du Pont de Nemours & Co., Eastman Kodak Co., Ford Motor Co., Goodyear Tire & Rubber Co., Deere & Co., and Texaco Inc.

"It would be unfounded optimism to believe that the service sector will somehow sustain our economic progress on its own," said the DRI report, the newest entry in a sharp debate among economists and politicians about the condition of the economy and the competitiveness of American business.

Otto Eckstein, president of DRI and a professor of economics at Harvard University, said the strongest evidence of an accelerating decline for U.S. manufacturers is the growing international trade deficit. "The decline in our trade position has accelerated very, very dramatically," Eckstein said. "It's snowballing."

In 1965, some 4.3 percent of manufactured goods in the economy were supplied from abroad; by 1980, the figure had risen to 13.5 percent, and "virtually every industry suffered from a major worsening of import penetration," the DRI study said.

Last year, the United States imported $69.4 billion more in goods than it exported, and the 1984 deficit is expected to approach $100 billion. The decline in U.S. manufacturing due to imports will cost up to 2 million jobs this year, Eckstein said.

He asserted that the causes of this long manufacturing decline include inept economic policies, which have helped produce seven recessions in the past three decades, making business management afraid to make long-term investments in costly plant expansion or modernization.

Industry's needs have largely been ignored by Congress and federal policy makers, who created a tax system and borrowing practices that favor commercial construction over new factories, and who have handled industry's trade problems in an indifferent, haphazard way, DRI said.

Finally, a long-running overvaluation of the dollar, except in the mid-1970s, made U.S. goods relatively more expensive to export, and imports relatively cheaper here.

Eckstein said that the most important step the administration and Congress could take to bring the dollar down is to reduce federal budget deficits, that keep interest rates higher than they otherwise would be, attracting foreign investment that pushes the dollar upward.

Democrats' proposals for new governmental action to aid specific industries offer little hope of success unless the underlying economic problems are dealt with, he said.

"No degree of cleverness on the part of management, no new-found cooperation between employers and workers, no industrial policies by the federal government can overcome the handicaps of an overvalued dollar and a domestic economy disrupted by credit crunches and recession every three or four years," the DRI report said.

"The deficit is where the solution has to start," Eckstein said. If the deficit were lowered to 2 percent of the gross national product instead of the present 5 percent level, interest rates would be some 2 percentage points lower and the value of the dollar would drop by 10 percentage points, enough to solve " a very, very large part of the problem," he said.

Eckstein said he believes the DRI study provides the most significant evidence so far that the United States is "de-industrializing"—going through a damaging erosion of its manufacturing base.

Other economists have attacked that view, including Thomas DiLorenzo, in a study published this month by the Heritage Foundation, which argues that industrial production has resumed its growth following the 1981-'82 recession, as it has following each of the previous economic downturns.

"The nation's industrial capacity is not declining, it is growing and changing," said DiLorenzo, adding that "market forces must be permitted to redirect resources to their uses of highest value."

The DRI report documents that change—a massive shift in industrial activity during the past decade, with some big gainers and big losers: Production of electronic components rose 129 percent, plastic products were up 125 percent, and office equipment rose 87 percent; cotton fabrics and leather each declined 25 percent, and steel fell 16 percent.

Eckstein and the DRI report contend that these changes are not merely the work of an efficient market, but the consequence of specific policies that are taking a heavy toll of basic manufacturing industry.

"Economists believe in markets, and the markets seem to be saying 'there is a drift toward services, so why fight it,'" Eckstein said.

He says the reason is that manufacturing is critical to strong economic growth. The DRI report offers suggestive" evidence—although no conclusvie proof" of this. One DRI analsis shows that, in high-growth countries such as Japan, manufacturing has a rising share of overall economic activity, while in the United States, where manufacturing has had a declining share of the economiy, overall economic growth per capita also is relatively low compared with other industrial nations.

"While a country can pour a virtually unlimited amount of capital into investment in services by providing ever more modern office building, bank branches, hotels, shoping malls, etc., these types of investments have lesser growth potential than investment in successful manufactuirng industry," the DRI report said.

Although U.S. investment in manufacturing has been relatively constant since 1966, it is far behind Japan's commitment, and there is a domino effect in that, DRI said.

"There is an enormous advantage in being the number one firm, in possessing the largest market share, the lowest costs, the market power, and the ability to finance technological and product progress. Once the lead is lost, profitability diminishes, resources shrink, and management is pressed into shortsighted, defensive cost-cutting moves that soon produce a further loss of market share," the report said.

WHAT IS CONGRESS DOING?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. WALKER) is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I am just going to take a little while today and talk some about the legislative schedule of this week, and perhaps a little bit about what could be done and some things about what should be done.

Here we are, on the first day of this week's legislative session. We are 45 minutes into the day and essentially all legislative business for this day has been completed; 45 minutes of session on this day that will be counted as one of the legislative days of the session. It is one of those days that will be referred back to later on in the session, when we are asking why we cannot

take up legislation, we will be told that we are much too busy to be taking up items late in the session.

I think we need to point back to this kind of day and say, "Here was a day when we had a total of several hours that could have been devoted to pursuing the agenda of the American people and, instead, we closed up and went home."

I think the American people can legitimately ask, "What is Congress doing?" What is that we are really all about, if we are going to end up spending our time on small bills, closing up session, and not acting on things like the problem of the budget, the problems of social issues such voluntary school prayer, the whole issue of whether or not the executive ought to have some ability to help solve budget deficits with items like the line-item veto?

As of tomorrow, on this House floor, it will be a 10th anniversary. It will be the 10th straight legislative day when those of us on the minority side have asked for the balanced budget amendment to be brought to the floor, have asked for the voluntary school prayer amendment to be brought to the floor, and have asked for the line-item veto to be brought to the floor. It will be 10 straight days in which the Democratic leadership of this Congress will have said no to that agenda, even though we are doing practically nothing on this floor of substance otherwise.

That is the question that the American people can legitimately ask: Why do we have schedules that hardly fill one page for an entire week, and yet we cannot get to the things that are really on the minds of the American people.

Like many of the Members, I was back home again this weekend, and back home again this weekend people were asking me again, "What are you guys doing about the deficit?" The answer is, of course, nothing. The answer is, we are screaming a lot about it, we are talking a lot about the President's deficits in Congress, but we who are responsible, we who article I of the Constitution makes responsible for spending, who are responsible for budgets, we are doing nothing. We are not acting on this floor, and the American people know that we are not acting on this floor on those items of major importance.

We could have, by the end of the week, a resolution on another matter that is of intense concern to the American people, the issue of Lebanon. Once again people are concerned about that issue. They want something meaningful done. They want it resolved. But I question whether or not they are really going to approve of the kind of resolution that has thus far been debated in the Democratic Caucus and evidently now has run into trouble even within the caucus itself because essentially it is a cut-and-run resolution.

I say that as somebody who did not vote for what I regarded as a stupid policy when we adopted the 18-month resolution a while back. I did not vote for that resolution because I thought it was bad policy at that time. I thought it was bad policy because it sent precisely the wrong signal to both our friends and our enemies in the Middle East. It sent a signal to our friends that they had 18 months in which to try to get something worked out, and I think it sent them the signal that caused them to fool around for too long in making some of the decisions that were necessary to move things forward.

But it also sent a signal to our enemies, and that is, if they could force us out in less than 18 months, they have, in fact, achieved a victory in the Middle East over the United States. It is hardly surprising that very soon after that 18-month resolution was passed was when the terrorist attack took place on our marines. That is not surprising, because the terrorists knew at that point that they had a timeframe which would be judged in the world as to whether or not the United States was being defeated or was being victorious in the Middle East.

□ 1250

So it was a wrong policy. It was a bad policy. I did not vote for it at that point. I am sorry so many of my colleagues did. But having made that decision, what kind of a signal does it send to the world then a few months later to decide politically that what we are going to do is cut and run, that we basically going to have Congress declare surrender and move out?

What kind of signal is that to the young men who have already lost their lives in the Middle East and to the families of those young men? What kind of policy is it that this Congress is undertaking when we make those kinds of decisions, that we cannot even stick with a policy that we forced upon the President for a 4-month period? We said 18 months last fall, and now we are saying, "Well, no, that was a bad idea. We're going to change policies all over again."

But that is the kind of resolution that is going to be brought to this floor on Lebanon, a wholly politically partisan resolution aimed at one thing, and that is telling the American people that we thought we were doing something. Now, of course, it has no force of law. The President can decide whether he is going to obey it or not, so it is simply so many words, and it is simply an attempt to react politically to what they perceive as being a political issue.

I suggest that it is a national issue that should be well above politics, and that kind of partisan shenanigans, that kind of making decisions at a Democratic Caucus that they then are determined to bring to the floor and jam down the throats of our Congress is not in the best interests of our foreign policy and certainly not in the best interests of our Nation.

But that is the kind of thing that we are likely to get out here late on this week as a substantive bill to do something about Lebanon. The fact is that any time we want to do something substantive about Lebanon, all we have got to do is cut off the funding. That resolution does not propose cutting off the funding. It is simply a political talk piece and nothing more.

We are going to have a series of other bills out here, first, regarding Presidential certifications on conditions in El Salvador, and that, of course, is legislation that we acted on in the last Congress which the President vetoed. We are evidently going to bring that back to the floor here and try to stir things up in Central America a little.

We are going to bring out a bill on Rotation of Chairmen to the Commission on Security and Cooperation in Europe. That is a piece of major legislation that I would guess is probably going to entail hours upon hours of debate on the House floor. Of course, it is being brought out under suspension, so we can only have 40 minutes of debate. But it is a very controversial matter, and I say that, of course, with tongue in cheek.

And then, the sense of Congress regarding self-determination of the Baltic States. That is another very, very major piece of legislation, of course, which we will certainly want to debate intently. It is one which we certainly should be passing. But to put that on the legislative schedule here as an item of major point in the legislative schedule makes very little sense.

We are going to be dealing with the construction work in progress bill. Many people think that is one we are doing politically here in the House. It has no chance of going anywhere at any time, but nevertheless we will do it.

And we are also going to be doing the Environmental Research, Development and Demonstration Act, which is subject to a rule being granted. I would guess that we will probably get to that particular bill, but the question is, of course, whether or not this will entail very much debate. I kind of doubt it. It seems like a pretty innocuous kind of bill.

That is the entire schedule here beyond what we have done today, and we do not have a schedule which, it seems to me is aimed at addressing those things that the American people feel very strongly this Congress should be facing up to. It is a very short schedule. It means that we are going

to be working short days around here in order to try to fool the American people into believing that something is really going on in the Congress.

The fact is that something should be going on in the Congress. We really ought to be developing and debating some of the issues, but is is certainly not happening with the schedule that we have had for the first week, the second week, and now the third week. I would certainly hope we will see something more substantive emerge in the schedule in the weeks ahead.

The one thing I think the people should be aware of that is likely to happen out here this week is that it is our understanding some of the Democrats are becoming concerned about the repetitive asking for the American people's agenda to be brought up, and they are particularly concerned about the fact that last week some of the budget-busters on their side were actually named by name on the House floor, and there is some talk that within this week we may get them coming to the floor suggesting that some of us who voted for defense in the past are actually the real budget-busters. So we are likely to have some confrontation over the that point. I would suggest that we would want to watch very carefully and see who comes out and says those kinds of things on the floor.

In reviewing the record over the weekend, I found that several of the Members who have raised the strongest objections on that in the last year voted for no defense whatsoever. On defense appropriations and authorizations, what they voted to do in this country was to have no defense at all. They did not vote for anything in terms of spending for defense.

Now, I suggest that there may be some debate over how strong our defense should be and how many weapons systems we really want to buy and how big a troop component we want to have, but I would suggest that those Democrats who voted for absolutely no defense whatsoever are not in tune with the American people or in tune with reality. The suggestion that we could get along with absolutely no defense in this country is ludicrous. We actually have people who are talking the defense issue right now who, when they are casting votes in this Congress, are casting votes for no defense whatsoever, no spending, not one dime for defense.

Some of them are also casting a vote which says that what they want to do is cut back on defense, that somehow the defense spending is far too high at the present time. I think that there is some need, in my personal opinion, for finding places to trim our defense budget, but I would suggest that from some of the Democrats it makes very, very little sense, compared to what they were saying back during the time of the Carter administration.

This year's defense budget, the fiscal 1985 defense budget, submitted by President Reagan for fiscal 1985 is $2.5 billion higher than Jimmy Carter's projected spending for defense when he submitted his budget in January 1981. There has been a total added by this President for fiscal 1985 of $2.5 billion. In other words, if we are going to do as the Democrats are suggesting to us, we are going to deal with the deficit by cutting defense and by raising taxes.

Let us take what that means in terms of the language that we have heard. We would assume that they would not want to cut back any further than the Jimmy Carter defense budget. Let us remember what Jimmy Carter's defense budget gave us: Burning helicopters in the middle of the Iranian desert. That is symbolic of the military during Jimmy Carter's regime. That is the kind of military policy the American people said was totally unacceptable, that this has become an indefensible country in many ways as a result of those kinds of defense policies. So we assume they would not want to go any lower than the Jimmy Carter's figures.

So they can save $2.5 billion if we go back to the Carter figures in defense. All right. Now, that leaves us with $177.5 billion of deficit yet to solve in this year. If they were determined to balance the budget—we have had an awful lot of them coming out here and talking about balancing the budget this year in recent weeks—if they were really determined to balance the budget this year, in order to get $177 billion in new taxes, they would have to confiscate every dime of income in this country above $26,000.

Now, when they talk about taxing the rich, think about that figure. If you are a two-income family and you are earning more than $26,000, how would you like to pay all the taxes you are now paying, plus have every penny of income over $26,000 confiscated from you? In order to balance the budget in the manner the Democrats are talking about, that is what they would have to do. That is the kind of taxation we are talking about.

Now, I do not suggest that anybody making $26,000 or any two-income family in this country is rich, and I do not think many of the American people who are in that income category think of themselves as rich. But we would have to confiscate every dime of income over $26,000, and all those union families out there who have finally gotten themselves into a middle-class status in this country would literally have that middle-class status taxed away from them by the kinds of policies that are being talked about on the other side.

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

Mr. WALKER. I am glad to yield to the gentleman from Florida.

Mr. MACK. Mr. Speaker, let us just put that number into a little bit different perspective.

I have some figures here that refer to median income families' average tax rate. It goes back to 1948 and shows what the average tax was of that family's income. For example, in 1948 it was three-tenths of a percent. It worked its way up to 6 percent in 1958, 8.8 percent in 1970, and up to a high of 10.3 percent in 1981. After the tax cuts, that rate fell to 9.2 percent.

There is a column next to it that says, if you use taxes as the method to solve the problem, you would actually have to raise taxes to 15.9 percent of income. That is a 73-percent increase in the tax on a median income family.

□ 1300

Mr. WALKER. Well, the gentleman's figures are just absolutely incredible, and I think it really brings home the point, that when the Democrats talk about taxing the rich, they are not really talking about the rich. They are talking about the people in this country who work for a living, all of them. The Democrats regard people who work for a living as rich, because that is the only way their figures make any sense.

Now, most people that I talk to would think that if you are talking about $75,000 and above, you might be talking about the wealthy people in this country. That is statistically what we show as being really the upper income people in this country, $75,000 and above. If you confiscate away every dime of their income, if you had confiscatory taxation of them, you would get enough money to run the Federal Government for 14 days and we would have 90 days worth of deficit; so in other words, we are really talking about nonsense when they talk about this business that they are going to tax the rich.

The fact is that they are going to tax everyone and the fact is that not even they have to nerve to come to the floor with a bill that would be confiscatory taxation; in other words, to tax away a 100 percent of everybody's income over $26,000. They are not going to do that.

So in order to get the revenue they need, they have got to go way below $26,000. They have got to go down to $20,000. They have got to go down to $17,000. They have got to go down to $15,000 and most of the tax packages that you have seen come on this House floor that have suggested new taxes, where people are being taxed, they are talking about people of $15,000 and above. Those are the rich.

What I am saying is that that is really virtually the working class of this country that they are talking about.

The term "the rich" becomes an irrelevant term when you look at what they are doing with their tax programs.

What we have got around here is a bunch of greedy special interests who have gotten their hooks into this Congress and are bleeding it dry of the tax money provided by working families and the Democrats are willing to feed the greedy special interests at the expense of the taxpayer.

I do not think as a nation we can afford to allow those patterns to continue.

I am glad to yield to the gentleman from Florida.

Mr. MACK. Let me make another point. The gentleman mentioned the $15,000 and $16,000 income level. I have some other information here indicating where a family's money goes. A family of four with a 1971 income of $16,000, what I am going to point out here is what impact taxes have had on how the average family goes about spending their money.

Between the years 1971 and 1981, the taxes on income, this is the income that is left to spend——

Mr. WALKER. This is a $16,000 family?

Mr. MACK. Right, has gone up 56 percent—56 percent increase in tax revenue for that one family.

The impact of that is that the family then has to make a decision about how it spends the balance of its money and we find out that because of that they are spending less money on food, less money on housing, less money on personal care, less money on clothing.

In other words, people should not be fooled that just paying a higher tax does not affect anything else. When you pay higher taxes, when you have less money in your pocket to spend for other things, you have to make choices about where you spend your money; less on housing, less on food, less on clothing.

Mr. WALKER. In other words, the $16,000 family, the family that is working hard every week to bring home an average paycheck in this country is virtually having to cut out the necessities of life in order to pay the taxes that the Federal Government charges, is what the gentleman is saying.

Mr. MACK. Certainly.

Mr. WALKER. Then that family finds itself unable to send their children to college, which they would like to do; they find themselves unable to do a lot of the meaningful things of life, because they are certainly not able to afford it, principally because what we are doing is overtaxing them. When you turn-back tax revenue, you are turning it back to those average families, you are then giving them a little bit more money to buy some necessities of life, a little bit more money to do meaningful things in life and a little bit more money to provide their children with a good education. That is what you are really talking about.

Now, when you turn that around and you suggest that more taxes are good for the economy and good for this Government and good for the Nation, then you are really suggesting that that family ought to give up more of the necessities of life, they ought to totally obliterate any chance of having a meaningful life and they ought to give up any chance of educating their children themselves.

Mr. MACK. Well, the reality of what the gentleman is talking about is that through the tax system, you are transferring those items of life that the gentleman mentioned to someone else through the tax system.

Mr. WALKER. And, of course, what has happened around here is the way we have appealed to greedy special interest power around here, we have made certain that that transfer either takes place to people who are unwilling to work, the nonworking people; the working people are transferring money to people who are not willing to work, or they are transferring it to the rich who already have plenty of tax breaks and so on at their disposal. Those are the greedy special interests that have come in here and bled the tax base of this country dry at the expense of working people. That is what we cannot afford to do any longer and yet that is the solution, that is the deficit solution being offered by the liberal side of this Congress.

I yield to the gentleman from Florida.

Mr. MACK. Let us move on to another point, because again we have indicated how the higher taxes, if that was the method used to solve the deficit problem, how this higher taxes affect how families spend their money.

It also affects how they save or invest money and when you start comparing the United States to other developed countries, for example, Japan, you find that Japan has an average investment of 32.1 percent of GNP, whereas in the United States it is 18.3.

The suggestion that I am making is that our taxing polices affect how we as a nation invest and save our funds.

I will make one additional point. Government spending as a percentage of GNP in Japan is 9.7 percent. In the United States, as of this particular date, it is 18.1 percent. We know that has gone up to about 25 or 26 percent now.

Those have significant impacts on how we as a country save and how we invest.

Mr. WALKER. Well, the gentleman makes an excellent point, because we have to take that, of course, one step further. It is the savings and the investment that make it possible to create new jobs. The 4 million new jobs that we have created over the last several months have been because we have been willing to save more and invest more in our economy and that is because we got a little bit of a tax cut and we were able to boost that up a little bit; but we are not going to be able to create new jobs, we are not going to be able to have a future for working people in this Nation if we tax it all away, because the one thing that Congress has proven itself inept at is creating jobs. We keep talking about jobs related bills around here; but the fact is that we do not create jobs. The economy has to create real meaningful productive work itself and that relies upon savings and investment; so the gentleman is absolutely right. When you tax away the ability to save and invest, you are taxing away the ability to create new jobs and you are insuring that the long-term future employment in this country is bleak.

While the deficits certainly matter, it matters also how you solve the deficits, because solving the deficits with additional taxes will not produce more jobs. It will produce less jobs. Solving the deficits by reducing spending creates more jobs for the future, because it insures a savings and investment climate in which jobs can come about.

I thank the gentleman for his contribution.

OUR ROLE IN LEBANON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SILJANDER) is recognized for 60 minutes.

Mr. SILJANDER. Mr. Speaker, I hope the American people, those that are watching and listening, will bear with me through this time, because I think what we are dealing with is one of the most important political issues—I emphasize the word political issues—that likely ever faced this Chamber in the last several years. There has been much rhetoric talking about foreign policy. Most of that rhetoric has centered around the Middle East and more specifically, Lebanon, and our role in Lebanon. Ever since the tragic bombing of the Embassy in Beirut which killed 33 American and the further tragedy of over 251 American marines died in another suicide or kami-kazi car bombing, needless to say, every headline of most every newspaper, the top story on the television and radio stations across the country focuses and centers around the crisis in Lebanon and just what our role in Lebanon as a country ought to be.

I do not think there is a Member of this House that supports marines stay-

ing in Lebanon for a long-term period. In fact, I am sure every one of us——

PERMISSION TO FILE CONFERENCE REPORT ON S. 1340, REHABILITATION AMENDMENTS OF 1983

Mr. PERKINS. Mr. Speaker, will the gentleman yield for a unanimous-consent request?

Mr. SILJANDER. I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the Senate bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disability Assistance and Bill of Rights Act, and for other purposes.

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

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

The SPEAKER pro tempore. The gentleman from Pennsylvania reserves the right to object.

Mr. WALKER. Reserving the right to object, Mr. Speaker, it is my understanding this has been cleared by the minority side and that it is possible to have it cleared.

My problem, though, it seems to me that this is not the time that we are supposed to be doing this. I thought under the understanding that we have with the Chair, that when we got to special orders that we were not going to have a substantive business intervene.

□ 1310

Is that a misunderstanding on my part? I just want to clarify where we are.

Mr. PERKINS. Will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Kentucky.

Mr. PERKINS. Let me answer the gentleman by stating that I understand that some of the Senators are not back in town and I did not know anything about it until 10 minutes ago. We wanted to bring the conference report up on Thursday. Therefore, we had to make the unanimous-consent request at this time, and I wanted, and I mentioned it to the gentleman as I came in, I know there is no objection, but I wanted to clear it with the gentleman.

Mr. WALKER. I thank the gentleman. As I say, it is my understanding that there is no objection to the substance of what the gentleman is doing.

The problem is, though, that we have had some wrangles out here about the whole business of procedure, and the time, and who was going to get permitted time, and a lot of these kinds of things. In essence, what I am doing is protecting us a little bit, because once we set the precedent of doing this, what I find is we get rulings later on saying "Oh, yes, this has been done before, so do not worry too much about it."

Mr. PERKINS. Let me say to the gentleman that unless it is some type of emergency, I will not make a request like this in the future. But I understand the agreement is calling up the report. In this instance we are only asking unanimous consent to file the report.

Mr. WALKER. Further reserving the right to object, I would simply ask the Chair whether or not that is the basis of the understanding.

The SPEAKER pro tempore. The Chair's understanding is that the Speaker's statement dealt with calling up legislation, not filing a report. That is my understanding.

Mr. WALKER. So we do have a precedent, then, that we can file conference reports during the special order time, that that is going to be permitted, that kind of business is going to be permitted during special order time?

The SPEAKER pro tempore. The filing of a conference report can be done at any time as a matter of right before the House, before the House adjourns.

Mr. WALKER. The gentleman from Pennsylvania is simply, under my reservation of right to object, is simply trying to find out just where we stand on all of these rulings that we had thrown at us over the last couple of weeks, and I am trying to make certain I have an understanding of how we are operating here, and that is my only concern.

On the substance of the gentleman's request, I understand that has been cleared and there is no problem. I am simply trying to clarify what we are all about here.

Is it now my understanding that filing conference reports will be one of those items of business always permitted under special orders, under the time allotted for special orders?

The SPEAKER pro tempore. It has always been the practice of the House and is still the practice of the House.

Mr. WALKER. I thank the Speaker and I withdraw my reservation of objection.

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

There was no objection.

Mr. SILJANDER. As I was saying, dealing with the issue of Lebanon, which obviously has garnered the attention of the American people, every interest group, every politician from one coast to the other, and every media conceivable to man worldwide, the issue certainly centers around what our role ought to be in Lebanon.

As I was saying before, I do not think there is one Member of Congress who desires the marines to be in Lebanon. I do not think there is one Member of Congress who would not want the marines to have an orderly, safe withdrawal, as soon as humanly possible.

No one is overjoyed by the fact that the marines are in Lebanon.

This is not a game, Mr. Speaker. I say to the Members and the American people who are listening: this is not a game in Lebanon and in the Middle East. It is life and death. It is an issue that concerns all of us very greatly.

There are three concerns I have with the House joint resolution recently endorsed by the Democratic Caucus, now before the Foreign Affairs Committee, of which I am a member. There are three basic concerns.

The first one is the political partisan nature of the resolution. The second issue is the misguided direction and just incorrect information given within this extensive resolution as a document. Third, the serious implications of this document and that this document makes to our foreign policy as a nation, our objectives for peace in the Middle East.

I would like to first deal with the political nature of this document. It is rare, it is rare that I have ever seen in the Foreign Affairs Committee, one of high stature and reputation, that there has ever been a document that has come out of that committee so blatantly partisan, political, and vindictive against any administration, be it either Republican or Democrat. I had hoped as a member, newer member of that committee that I had joined a committee that had integrity, a committee that had vision for fairness, Mr. Speaker, not one of bias and partisanality.

I would like to read a quote from October 27, 1983, the Washington Post, of our Honorable Speaker, THOMAS O'NEILL. He was rebuking at that time the liberal Democrats and he shouted at the Democrat Party that "We should put patriotism above partisanship and back President Reagan," he said.

The Post goes on to say that Speaker O'NEILL took the occasion to shout his contempt for the Democrats who, quoting now Mr. O'NEILL, "try to make this a partisan issue."

He is agreeing with Reagan, O'NEILL said, because "I am a patriot."

Mr. Speaker, not too long after that October 27 statement President Reagan announced his intention to run for office as President of the United States for a second term, and not too long after that the Speaker endorsed Walter Mondale for President of the United States. And he said, quoting Mr. O'NEILL again, that "I will do everything I can to see that he is elected."

Considering all of those quotes formerly by the Speaker about putting patriotism above partisanship, and he says we should support the President's

program in Lebanon because it is patriotic, I would like to read to you several quotations of the Democrat-sponsored resolution asking for immediate withdrawal of the Marines out of Lebanon.

Again, the main point I am trying to make is not whether we should have marines in or out of Lebanon, or even when we should or should not have them withdrawn. My point simpy is very clearly that this document, as introduced initially in the Foreign Affairs Committee—how it will change I cannot respond—but how it has been presently presented is incredibly biased, incredibly partisan, and looks more as though it is a document or a white paper against President Reagan sponsored at a Democratic rally, not by a bipartisan Foreign Affairs Committee.

For example, a couple of quotes to illustrate the partisanality of the resolution:

The President has been unable to present convincing rationale for continued participation by the United States Armed Forces in the MNF.

The situation in Lebanon has deteriorated in recent months.

It has been deteriorating for the last decade.

The expansion of the United States military role * * *. There is an urgent need, therefore, for reassessment of alternative means.

There is a failure of the administration to adequately reexamine its policy.

Another section—

despite the lack of realistic United States policy in the confusion about their mission.

Going on to another section—

To promote progress toward a peaceful resolution of the country's problems requires a United States policy which gives higher priority to diplomatic and political solution.

Going to another section—

The situation in Lebanon is drifting out of control and the administration's policy regarding Lebanon is not working.

The United States—

The resolution goes on to say—

is reacting to events rather than implementing policies.

It also says—

The administration has failed to impress upon the Government of Lebanon the urgent need for it to develop a viable reconciliation plan.

Mr. Speaker, I do not need to go on and on with this, but it does say in several more points about the failure of the administration to do this, the failure of the administration to do that.

Well, who is the administration? President Reagan.

Who drafted the document? The Democratic Caucus.

It that is their party platform, Mr. Speaker, that is fine. It ought to be a partisan platform. But to be introduced as a document such as this consistently condemning, attacking a policy, is not the appropriate way to draft a resolution.

The appropriate way to draft a resolution is to say what you want to say, deal with the issues as they are, as you see them, and set aside partisanality and set aside partisan politics.

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

Mr. SILJANDER. I will be happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Can the gentleman tell me when this was drafted in the Democractic Caucus?

□ 1320

Mr. SILJANDER. It was drafted on February 2.

Mr. WALKER. February 2.

Can the gentleman tell me when it arrived in the Foreign Affairs Committee?

Mr. SILJANDER. Obviously that is another issue that concerns us. We were sitting the very next day, 16 hours after the resolution was drafted, and we were expected to begin hearings, and the second day after that we were to begin markup of the resolution.

Mr. WALKER. In other words a resolution drafted in the Democratic Caucus was sent immediately to the committee?

Mr. SILJANDER. Yes.

Mr. WALKER. Which was brought immediately to the committee and now there is some talk about bringing it to the floor very, very quickly?

In other words, within a week and a half time we are to take up this matter, and there is some chance we may take up this matter on the House floor; is that correct?

Mr. SILJANDER. Yes. But let me go back and tell you as drafted in the morning, that afternoon the committee met with their notification and a copy of the resolution that the very next day there would be hearings, the day following there would be a markup and the following Tuesday, which would be tomorrow, there was to be a vote on the floor of the Congress. That scenario has changed because of obvious furor and obvious outrage of so many of us who consider this such an important issue that we certainly should not have a 16-hour period between observing the resolution and an opportunity then to have a hearing on the resolution.

Mr. FOLEY. In the interest of fairness, will the gentleman yield to me?

Mr. SILJANDER. I yield to the gentleman from Washington, yes.

Mr. FOLEY. Mr. Speaker on the part of the majority party I announced the program on Thursday afternoon of last week and said at that time that there would be no extraordinary means used to bring this resolution to the floor. The gentleman is creating a strawman and then deliberately knocking it down. The fact of the matter is that this resolution is proceeding through the normal course of committee consideration. The gentleman misspoke himself a little while ago in suggesting that the resolution had been reported out. The gentleman knows well that this is not the case. I am equally surprised by his characterization of the resolution as "vicious criticisms." I would be frank to tell the gentleman that I believe the Democratic Party has strained to give bipartisan support to this President, much, much more in fact, than the gentleman on the other side ever gave to the foreign policy of his predecessor.

Time after time in this President's administration Democrats have worked to insure that the U.S. Government spoke with one voice in its foreign policy abroad. I might say to the gentleman that it does a disservice to the cause that he is supporting, the cause of bipartisanship, to suggest that there is a connection here between the position of the Speaker or any Member of this body and the candidacy of Mr. Mondale or any other Democratic candidate for the Presidency.

Mr. SILJANDER. Reclaiming my time, if the gentleman does not mind, I never said, I did not mean to imply that the resolution was ever reported out of committee.

Mr. FOLEY. Well, the gentleman should look at the transcript then, so he can correct it.

Mr. SILJANDER. I have the time if the gentleman will excuse me. We were told by the chairman of the committee the same day that the resolution specifically was drafted, we saw no wording until the very day we were advised that the very next day there would be a hearing and the following day markup and likely it would be brought up on the floor the following Tuesday. That was the scenario; that was the scenario. It has thus far changed.

Mr. FOLEY. Will the gentleman yield to me?

Mr. SILJANDER. I will not yield.

Mr. FOLEY. That ought to indicate——

Mr. WALKER. Yield to him.

Mr. SILJANDER. I will. But I am very happy that the gentleman has in his wisdom changed that scenario because the timetable that the gentleman from Pennsylvania brought up was I think an unfair timetable for many of us who would like to study the resolution and the implications of the resolution.

One of my staff stayed up the entire evening assuming that the next day would be the hearing on the resolution, stayed up the entire night attempting to draft a section-by-section

analysis of it. That should not be a part of fair play in this House.

I yield to the gentleman from Washington.

Mr. FOLEY. I will say to the gentleman that if he wants a debate on this issue he can have a debate. He has control of the time for the first 3 hours tonight and can use it to carry on without yielding with statements that I think are gross distortions of the fact and misrepresent the circumstances of both parties.

But if the gentleman does not want to yield for corrections or comment——

Mr. SILJANDER. I yield to you.

Mr. FOLEY. You yield to me reluctantly. If you are going to yield for purposes of debate, I will stay here and we can have some debate on this issue. However, if the gentleman, has a point, if he is going to cut me off every time I have a point with the resumption of his own time, then I think this whole evening of special orders can only be viewed as the kind of political activity on your side that you apparently have decided it should be.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

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

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

I am sorry the majority whip is so upset here. The gentleman has obviously yielded to him and I think he should, I think we always ought to have a dialog. I was down there for a few minutes myself and I would have been perfectly willing to yield to anybody. I regularly yield to anybody who wants to debate me on these issues.

But I think it somewhat misrepresents the position of the Republican Party with regard to bipartisanship in foreign policy to suggest, as the gentleman from Washington suggested, that the Republicans were not supportive.

As I recall, I was here throughout the whole Iranian crisis, and I do not recall any kind of vicious document of the type of document that came out of the Democratic Caucus the other day, coming out of the Republican Caucus even during the time when most Americans recognized we had an absolutely failed policy.

We were not viciously attacking the President of the United States during that crisis. And in a number of other foreign policy realms.

I would suggest that the Republican Party stuck with Lyndon Johnson more solidly during the Vietnam war than many Democrats stuck with Lyndon Johnson during the Vietnam war.

So that I think that there is a fairly long history of the Republican Party being cooperative on matters of major significance in foreign policy. And I am disappointed by the kind of dialog that the gentleman from Washington brings in here supposedly in the interest of bipartisanship.

I thank the gentleman for yielding.

Mr. GAYDOS. Will my colleague yield?

Mr. FOLEY. Will the gentleman yield to me?

Mr. WEAVER. Will the gentleman yield to me?

Mr. SILJANDER. I cannot yield to three people. Allow me to make at least one statement.

I have 60 minutes, not 3 hours. And I assure the other gentlemen who have time, whatever time they may or may not yield to use of. My point of being here to outline as a member of the committee my concern with the document that I, in my opinion, feel is a quite partisan document.

I do not object to the gentleman and his party having his own opinions with regard to their own policies. That is part of the democratic process.

But that document as STEPHEN SOLARZ, a member of the committee, said and felt during the first day that we observed that document, he even admitted himself there were obvious political overtones to the document. And that is why the timetable, as I urgently outlined, as was outlined to me, has been changed to try to address some of those more blatant political notations in the document.

If you feel the marines should have an orderly and immediate withdrawal, I respect your opinion quite highly.

But the other mentions, the political mentions in this document I think are unheard of in terms of the kind of material that has formally come out of the Foreign Affairs Committee.

We have had many controversial documents, including the nuclear freeze. I may not have agreed with some of the documents, but at least they came out in a fair, organized governmental manner without having blatant partisan illusions.

Mr. FOLEY. Will the gentleman yield?

Mr. SILJANDER. I yield to the gentleman.

Mr. FOLEY. The gentleman keeps referring to "coming out." The committee has not yet acted, as the gentleman knows.

Mr. SILJANDER. I know.

Mr. FOLEY. So there is nothing that has come out of the Committee on Foreign Affairs. I think that must be made clear.

Second, the gentleman from Pennsylvania (Mr. WALKER) refers to the original draft as "vicious criticism."

I do not think that anything in that draft can possibly qualify as vicious criticism of the President of the United States or the administration's foreign policy.

It expresses differences which the gentleman suggests he respects the right of any Member to have with the administration's foreign policy. That is all it does. It states some obvious facts, as uncomfortable as they may be for all of us, Democrats and Republicans alike. While I cannot presume to know how the Committee on Foreign Affairs will act on that draft, I do think that the gentleman from Pennsylvania's characterization of it does no service, as I said before, to the bipartisanship that has existed in many administrations on both sides of the aisle. I did not say Republicans did not support the foreign policy of President Carter; I said I thought that this administration had had stronger support from the Democrats on foreign policy than the Republicans gave to Mr. Carter. That is a matter of relevant judgment.

In fact since World War II both parties have striven, in their official leadership at least, to try to find a basis of common support.

What I suggest to the gentleman is that it does help that spirit of commonality in foreign policy to exaggerate with overblown language designed to put a tone of bad motive on legitimate policy disagreements. That kind of approach is not conducive to bipartisanship.

□ 1330

If the gentleman thinks I am a little disturbed, he is correct. I think the gentleman is making a political partisan issue of the whole problem of Lebanon, while attempting to lay the blame for partisanship on the Democrats.

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

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

Mr. WALKER. I thank the gentleman for yielding.

And I simply made the point—and I would make it again—I do not recall at any point during the Carter administration the Republican Party coming forth with the kind of document that we now have before us, particularly after there had supposedly been a bipartisan job done in order to have 18 months of time during which they would have some kind of a policy implemented in Lebanon.

Now, the only thing that has changed since the time we passed that 18-month resolution, which, as I said earlier here on the floor, I did not agree with that at that point, but the only thing that has changed is politics. And one cannot help thinking that a document drafted in the Democratic Caucus is in fact a political document.

Now the gentleman on the other side may not want to characterize it that way, but when a political caucus drafts a document, one has to regard it as having a taint of politics. And it is hard to consider it otherwise.

Had the document been drafted in the Foreign Affairs Committee and re-

ported to the floor, that might be another issue, but this is a document drafted as a political document within a political caucus.

Mr. SILJANDER. If I may reclaim my time, as a member of the Subcommittee on the Middle East, I offered an advisory sense of the committee the same day that I laid eyes on the resolution that we in that subcommittee would have an opportunity to at least hold one hearing, which I think is fair for a subcommittee on the Middle East concerned with Lebanon, a public hearing on the particular resolution.

It was voted down. Congressman WINN and myself and the two Republicans and the reigning Democrats on the committee voted against it. That began an obvious, in my opinion, partisan attempt to squash any attempt on our side to get more than a couple of hours input on the resolution.

Since then I am happy that the scenario, the timetable for dealing with this resolution has changed. But I will stand by my remarks respectfully to the Democratic whip, that that document, the way it is presented, resembles nothing of the 18-month document which was quite controversial. The 18-month document, whether one was for it or against it, was reported out in legitimate fashion.

This document, and the concern I have, in my opinion, the reason why the timetable has changed because it is so obviously partisan that I think that the Democrat Party and the Republicans pulled back for a moment to reassess the wording of that document, not so much in what the document says in the substance about immediate withdrawal of troops in Lebanon, but, rather, reassessment of the presentation, the way the information has been presented.

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

Mr. SILJANDER. I yield to the gentleman from Oregon.

Mr. WEAVER. I thank the gentleman for yielding.

All I can tell the gentleman is I met with thousands of my constituents during December and January in the Fourth Congressional District of Oregon and everywhere I went among working people and business groups, Republicans and Democrats, who came to my town meetings, young and old, high schools, and senior citizen centers, I would ask one question: How many here believe that there is cause for our marines to be in Lebanon and how many here believe that our marines should be in Lebanon?

And it was not a mixed vote. I asked them to raise their hand. I was struck by the fact that it was almost unanimous. As a matter of fact, I do not remember one single hand out of the thousands in these various rooms, schoolrooms, meeting halls, business luncheon groups, not one hand did I ever see go up to say that our marines should be in Lebanon. This was the American people speaking.

And I understand that in the other hundreds of congressional districts throughout the country the situation is much the same, but in my district in Oregon it was unanimous, it was universal. and they did not say, "Well, let's discuss what we are doing there." They said, "We have seen enough. We believe they should be out of there now."

So I was sent back to Congress just a week or so ago by my constituents with an imperative and an immediate delegation to all I could to get the marines out of Lebanon. And I promised my constituents that I would do all I could.

So I was one that went to the leadership of my party here and said, "My people want a resolution brought to the floor as soon as possible. I would hope it could be within the few days after we come back that would say we need prompt and orderly withdrawal."

The language that was drafted by Chairman HAMILTON, who I thought did an excellent job, said exactly that, prompt and orderly withdrawal.

And I said this is something that my constituents want and want it now. They do not want to wait week after week after week while the marines are dying.

Let me just conclude by saying that I saw nothing in this document that Mr. HAMILTON wrote that said other than the President had been unable to make clear to the American people why the marines should be in Lebanon. This certainly was true in my district. The President had not made it clear to them because they unanimously wanted our marines out. And that is all the document says.

I can say this, though, what I read in the Wall Street Journal late last week of what the President said, that to my mind, was something that I do not want to hear in the annals of American politics. The President accused some of us on this side of the aisle of surrender.

Now that is the kind of rhetoric that to my mind is vicious, is partisan. But do not accuse the Democrats when we come up with what our constituents want, very much——

Mr. SILJANDER. I want to indulge in a colloquy on my time, if the gentleman would not mind.

The gentleman's constituents—and I certainly agree that the polls are clear, that the majority of Americans would like to see the marines withdrawn from Lebanon—as I would, too. I do not think that that is really an issue. It is the manner in which the marines are withdrawn from Lebanon.

Let me ask the gentleman, in his opinion, since the gentleman was involved apparently in the request of the gentleman's leadership late last week: What in the gentleman's opinion would be the implications if the marines did have a prompted and orderly withdrawal? Now what prompt means exactly, I am not sure. And how it could be orderly, I am not sure. But beyond that, if the marines were to up and leave—let us not call it surrender, let us not call it turning tail and running—let us just assume the marines got up and left. What does the gentleman think the political implications would be of that?

Mr. WEAVER. The political implications would be very simple. And, by the way, I know of no more orderly body in the world than the U.S. Marines. They are the finest example of orderliness I know and I know that whatever they do it is going to be done orderly.

But the implications of that would be very simple. In the words of the Speaker of the House, the world would realize that we got smart and got our marines out of an untenable position.

Mr. SILJANDER. Now what would the implications be in Lebanon? What would occur, does the gentleman think, after the departure of the U.S. Marines to the rest of our friends, the multinational force?

Mr. WEAVER. I respond to the gentleman by simply saying: What does the gentleman think is happening in Lebanon today? It is deteriorating with the Marines there and under threat every day to death. It is deteriorating rapidly. The government is falling apart.

Mr. SILJANDER. Does the gentleman feel that if we left it would deteriorate that much further?

Mr. WEAVER. Oh, I cannot see how it could possibly deteriorate worse. I cannot imagine how it could be worse. But I know this, not one more marine would die in Lebanon. And the horror of a possible superpower confrontation would no longer be there.

Mr. SILJANDER. Mr. Speaker, the concern I have is that when I asked the question to many of my fellow colleagues on both sides of the aisle who demand immediate withdrawal of the marines out of Lebanon, I asked them what would the followup be. And the followup of course is disorder because there is so much disorder there now.

But I might point out for the first time in almost a decade that almost all of the major factions in Lebanon have agreed to reconciliation. The army, they have agreed to the Shiite, the Sunni, and the Moslem splits in the army. They have agreed through the splits in their assembly.

I believe that there has been progress made through all the maze, and the smoke and the shelling, still even as the Post reporter said in Sunday's Post, there is still some semblance of order, at least some sem-

blance of order behind the scenes in negotiation.

□ 1340

I do not think the Lebanese people want to carry on another decade of turmoil. I do not believe that the Lebanese people, be they Shiites, Sunni, or Phalangist Christians, care to continue with the shelling, the death and the slaughter of their country. The only semblance of order has been in fact our Marines in Lebanon. The only semblance of order in that country over the last decade has in fact been the presence of the multinational force in Lebanon.

What concerns me more than anything else is the direct implications if we leave. Syria will come in, supported by the Soviet Union, there will be a flood of the Syrians, undoubtedly Lebanon will no longer be Lebanon but part of the Greater Syria, as the Syrians call it, and radical Islamic forces in the Middle East will again regain control of that region. And what is next? Jordan is part of a Greater Syria; Saudi Arabia has very little army, great deal finances but very little defense; Egypt is concerned. All of the moderate area Arab countries are concerned.

The Persian Gulf is at stake. What about the security of Israel? Do you think the Israelis are supporting the immediate withdrawal of the multinational force? Obviously, they do not.

I think Amin Gemayel said it best. He said, "If the Americans go and I go, the Syrians will be right behind me."

And I think that is fairly pointed, in terms of what will in fact happen if we immediately withdraw.

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

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

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, there are two points made by the gentleman from Oregon that I think deserve a little bit of attention. First, I was pleased with his reference to the Marine Corps. They are probably the finest fighting force in the world. In large part, that is because they are also one of the few military units in the world with the kind of esprit de corps that the Marines have always shown. To ask the Marines to cut and run would do more to undermine that esprit de corps than nearly any other action we could take.

Second, it seems to me that to make a reference to what is taking place today in Lebanon on this floor is somewhat tragic. We cannot escape the responsibility that those things that we have been saying and doing in this country over the last few days, which appear to be a United States backing off from our commitment in that area of the world, are certainly going to have implications. That is certainly going to encourage the terrorists there to believe that even though the cabinet resigned and even though the government there has announced that it is willing to put all things on the table, that the radicals there now decided to attack. Why? Because they believe at this point that anarchy serves them best and that the United States, in the face of that anarchy, is likely to have an even greater attitude toward withdrawal.

I think that some of what is taking place in Lebanon today can be ascribed to the policies that have been enunciated in this House by leaders, who in my opinion should have known better, over the last few days.

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

Mr. SILJANDER. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, would the gentleman from Pennsylvania also like to ascribe the deterioration of conditions in Lebanon to outstanding Republican Members who have taken a similar position?

Mr. WALKER. If the gentleman will yield, I would say to the gentleman that I would ascribe it to all people who have said that——

Mr. FOLEY. The gentleman's remarks were very pointed. The gentleman indicated that he thought that the leadership on the Democratic side had contributed to the deterioration in Lebanon.

Mr. WALKER. The gentleman from Pennsylvania made no reference to Democrats. I said that there had been a number of statements in recent days——

Mr. FOLEY. By leaders of the House.

Mr. WALKER. No; I said "by leaders." The gentleman is saying that that is strictly Democrats.

Mr. FOLEY. I am glad that the gentleman has provided that clarification.

Mr. WALKER. Mr. Speaker, will the gentleman continue to yield to me?

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

Mr. WALKER. The gentleman from Pennsylvania has simply pointed out that I did not agree with the leadership on your side and the leadership on my side when they gave us the 18-month resolution. I voted against that. I thought that was a lousy policy, and I think it has been proven to be a lousy policy.

But now, to compound that lousy policy with one that has even a greater stench to it seems to me is really carrying the House into a situation and is leading to precisely the kind of anarchy that presents itself in the——

Mr. FOLEY. If the gentleman will yield to me, I want to caution the gentleman from Pennsylvania that it is not in the interest of proper debate and bipartisanship in foreign policy to try to ascribe the deterioration of events in Lebanon to those who have merely been conscious of it and have raised the question, as the gentleman himself did, of the wisdom of the continued presence of our Marine detachment.

Mr. WALKER. Will the gentleman yield to me?

Mr. SILJANDER. When the gentleman from Washington finishes his point, then I will yield.

Mr. FOLEY. May I have an opportunity to finish the point?

Mr. SILJANDER. Yes.

Mr. FOLEY. It seems to me that it comes with ill grace when those who ask for debate on domestic and foreign policy issues are quick to cite the very fact of debate as causing the deterioration of conditions around the world we all deplore.

It does not seem to me to be wise to refer to any comment on the administration's foreign policy as vicious criticism. I defy them to find one word in the resolution that was reported to the Democratic Caucus which is vicious. There may be areas that one might disagree with. Indeed, there is disagreement on our side, as well as on yours. However, it is not vicious or ferocious criticism. It attacks neither the motives nor personality of the President or anybody in this administration. To stand in the well of the House, as the gentleman, with the support of his colleague from Pennsylvania has done—and suggest that this is a vicious document of criticism is simply unfair and, worse, untrue.

I think it ought to be retracted from the RECORD before this debate proceeds any further. If the gentleman has any examples of viciousness, he certainly did not read them when he described parts of the resolution.

Mr. SILJANDER. Reclaiming my time, I think the gentleman is confusing comments from one person to the other and back and forth. I think that in itself is, frankly, unfair. I simply made the point that my opinion—if the gentleman does not mind respecting my opinion—and I think the opinion of several of your own colleagues on your side of the aisle that were quoted during the hearing on this particular issue in the committee meeting, that this document does smack of partisan politics.

Now, whether someone calls it vicious, or I might call them unwarranted comments, unnecessary comments, those that I feel are not symbolic of the nobility of the Foreign Affairs Committee reporting out resolutions, a point, not personality, I particularly feel, and I think it is substantiated by many of the comments and substantiated by the fact that many people in this Congress decided to change the agenda, the time under the agenda, to reevaluate the approach.

I am criticizing not only the content, which is a fair debate, but I am criticizing also the approach in which this resolution has taken, the timetable of the resolution initially, which I objected to as a member of the subcommittee which never had an opportunity to hear it, and also a member of the full committee in which we had 16 hours between the time the document was laid before our eyes and the time we had the first hearing on it. That is what I am objecting to—the approach and the timetable.

The other points I would like to make—and obviously my time is wearing out to use for the record—are on the specifics of the proposal, which have nothing to do with partisan politics. It has to do with simply an honest debate on foreign policy.

So I hope the gentleman will understand——

Mr. FOLEY. If the gentleman will yield to me, I do not have any objection——

Mr. SILJANDER. I do not think I yield. I hope the gentleman will understand that my comments are not meant to suggest that you or Mr. O'NEILL or your party are vicious. I am simply telling you that it is pretty blatantly obvious for any objective observer reading this resolution that it does smack with political overtones.

Now, you can infer whatever you want from that.

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

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

Mr. WALKER. I thank the gentleman for yielding.

I think the debate has called our attention to a couple of other things. It seems rather strange to me that when we criticize in somewhat harsh terms a document drafted in the Democratic Caucus, that that becomes a terrible thing to do and that kind of disagreement is not permitted. It also seems to me to be awfully strange, coming from the party that has described cuts in the rates of growth of budgets, and so on, as being vicious and cruel, and has been perfectly willing to attack the President personally. The Speaker of this House at one point said that the President was a man who was basically against—I have forgotten the exact words—well, insensitive, and it was even against the Bible or God or something, and so on, that people even voted for the man. So I think we have had a history of the disagreements coming from that side of the aisle of being couched in that kind of terminology, so that when they protest, they protest a little bit too much, given the record of the last 2 or 3 years.

I would also say to the gentleman that we also are concerned with the fact that this became a very partisan political kind of thing, as the gentleman has pointed out, that this did not start in any kind of a bipartisan spirit. This started as a partisan political move within this House, and that is really the major concern that we have with the kinds of policies that are being developed.

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

Mr. SILJANDER. I will yield in one moment.

My point has been fairness above all other things. There are three points I wanted to make this afternoon. One was the fairness of the issue; the second was the substance of the resolution; and third, the implications of the resolution over our foreign policy.

□ 1350

I must say that I have yielded to the gentleman on the other side of the aisle with full willingness to listen to their objections to my comments, and the gentleman from Pennsylvania, although it is my time, not the time of the gentleman from Pennsylvania, and he, as you, are more than willing and able to articulate your concerns with my statements or any other policies that are presented before this country.

But I do feel that this is an important issue, and I do feel that the approach by which it was taken by the leadership of the other side of the aisle was inappropriate. I did not call it vicious. I simply said it was inappropriate. If that is too harsh a word for the gentleman, I am very, very sorry.

Mr. FOLEY. Mr. Speaker, if the gentleman will yield further, I do not object to the word "inappropriate" or any other words that express a disagreement with the policy, but several times during the dialog here, either the gentleman in the well or the gentleman from Pennsylvania has, I believe, used the word "vicious," and that is, in my judgment, an inappropriate word in light of the fact that nothing in the resolution, even as originally introduced to the Democratic Caucus, contains any such language.

The reason I came into the well was to correct the record, because I think most Americans, not having the document before them, would perhaps accept the gentleman's comment that there was some vicious criticism. There is nothing that can be construed as vicious or corrosive or personal criticism in the document that was introduced in the Democratic Caucus.

I might also say that this is not the only time people in the Congress have spoken out against the positioning of American marines in Lebanon. As the gentleman from Pennsylvania himself pointed out, there were many on both sides of the aisle who disagreed with the original suggestion of supporting the administration's 18-month request. That does not constitute trying to bring down the policy of the administration; it is a disagreement in good faith on the issues that were involved.

Secondly, I would point out that in recent weeks, and even in recent days, prominent leaders—and I will use the gentleman's word—in both parties and in both bodies of Congress have called for the with drawal of the American marines from Lebanon. While this may be a matter of disagreement, it is neither appropriate nor true, as the gentleman would have us believe, because the turmoil being felt in Lebanon today within the army, within the cabinet, within the political life of the country, is the result of a debate in the House of Representatives or in the Senate.

There is no justification for the suggestion that the deterioration of events in recent weeks is the result of any actions, lack of action or statements that have been made by anybody in the United States. They are the result of internal problems in Lebanon, and there should be no doubt about that.

Mr. SILJANDER. Mr. Speaker, regaining my time, because I only have about 10 more minutes left, and the gentleman has used, frankly, as much as I have on my own special order——

Mr. FOLEY. I will be glad to reciprocate to the gentleman.

Mr. SILJANDER. That may be the gentleman's opinion, that events in this Congress have no direct correlation to foreign policy and what happens and occurs in foreign countries overseas, but I would submit to the gentleman that what happened recently in Beirut, some of the heaviest shelling in recent years, one shell or mortar every 3 seconds, certainly is indicative of a major offensive on the part of some of the radical Islamic forces in that country. I think it is just rather coincidental that that happened to happen not long after a major front-page news headlines that the Congress is calling for immediate withdrawal of troops from Lebanon.

Now, if there is a correlation, I leave that up to the American people to decide whether or not there is a correlation between the two, but I think it is pretty obvious that what we do in this House, what we do in the various committees of this Chamber, does have a dramatic impact, whether we want to feel that way or not, on our foreign policy overseas.

I went on a European parliament trip just several weeks ago. Every leader told us that what we say and what we do is so vastly important to them in Europe and to North Africa because they attempt to read between the lines of what we are saying on the floor of this Congress, what we are saying in the committees of this Congress, and any time we pass a resolution or even have an implication that we may or are considering a resolution

or a bill affecting foreign policy of any major dimension, it does send signals, shock waves, if you will, across the world that is read and often misinterpreted by others across the seas.

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

Mr. SILJANDER. I yield to the gentleman from North Dakota.

Mr. DORGAN. I thank the gentleman for yielding.

Mr. Speaker, I have listened to the debate carefully today, and I can conclude only that you and the gentleman from Pennsylvania are trying to suggest that somehow the Democratic leadership in Congress is trying to make a partisan issue of the situation in Lebanon.

I want to remind the gentleman in the well, and also the gentleman from Pennsylvania, that there have been senior Members of their body in this body and the other body who have been critical of the role of the marines in Lebanon at the same time that the Speaker of the House was very strongly supporting the President's role in putting those marines in Lebanon.

I think the most important point that needs to be made here is that this is not a partisan issue. People on both sides of the political aisle have been both supportive and critical of the role of the marines in Lebanon.

The gentleman from Pennsylvania said nothing has changed since the 18-month resolution was passed in the House. Only Rip Van Winkle could say that. A lot has changed. A great deal has changed since the House passed that 18-month resolution, and people on both sides of the political aisle are coming back from the town meetings they have held, and from the constituents they have visited with, understanding that even more American people are beginning to question why are those marines in Lebanon and to question whether that policy should not change.

This is the body where we raise those questions, and doing so does not make it partisan. Frankly, I do not like the kind of discussion I hear today, suggesting that because we want to discuss, our policy on Lebanon, whether Democrats and Republicans, it smacks of some political diatribe against the policies of the President of the United States. I think that is nonsense.

Mr. SILJANDER. Mr. Speaker, reclaiming my time, if the gentleman were to read other resolutions dealing with the whole array of issues, including the 18-month resolution, which I did vote for, I do not think he would see a resolution that quite has the implications of political overtones and the attacking of any particular policy that this one, particularly, has time and time again.

My concern has been and still is the fairness question; whether or not there is ample opportunity, once the document was presented before us in committee, from that time to the time we were expected to vote on that document at least initially, and the way the document was prepared, my concern was strictly fairness.

I agree with the gentleman. When I go home to my district, I hear the same things; that the people of Michigan, the Fourth District of Michigan, want the marines out, too. I want the marines out as soon as possible, but I am also concerned with the life and freedom and reconciliation and at least a glimmer of hope bringing all the factions together for discussion. I have at least a glimmer of hope and optimism; while it might be squelched out in many other people's minds, I have a glimmer of hope and optimism.

I did present a plan to Mr. Rumsfeld and Mr. McFarlane and the White House, my Democratic and Republican colleagues alike. I, too, feel the marines need to be at least redeployed to some degree. I have not disagreed with that. I offered to the Democrats in the committee a middle ground, rather than taking up and running, or just staying there and not doing anything.

Mr. DORGAN. Will the gentleman yield for a question?

Mr. SILJANDER. Let me make my point on my time, if I may.

My position has been as long as we have now trained 5 brigades of Lebanese forces, 1 additional being trained by the French, 2 more U.S.-trained brigades by the end of 60 days, 10 by midyear, why do we not have a phased redeployment as the troop strength builds with the Lebanese forces. Then we can begin a slow, phased redeployment without jeopardizing our commitment or going back on our commitment to the Lebanese Government one iota. We can phase the withdrawal of marines from land and on board ships off the coast of the Mediterranean.

Mr. DORGAN. Will the gentleman yield for a question?

Mr. WALKER. Will the gentleman yield to me?

Mr. SILJANDER. I yield to the gentleman from North Dakota first for 1 minute.

Mr. DORGAN. Does the gentleman agree with the gentleman from Pennsylvania that nothing has changed in Lebanon since the vote on the 18 months?

Mr. SILJANDER. I do not agree with that statement; no.

Mr. DORGAN. I thank the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield to me?

Mr. SILJANDER. May I ask the gentleman a question?

Mr. WALKER. I thank the gentleman for yielding.

Mr. Speaker, I just want to make one point. I did not say that. I said the policy has not changed in that time. I did not say nothing has changed in Lebanon, and it is important that we make these distinctions because one of the things that is being done here on the floor is that the Democrats are attempting to suggest to the gentleman and to me that somehow we are preventing disagreement with the policy. Nothing of the kind is being done here.

Anybody has the right to disagree with policy, and so on, and I think this kind of debate is healthy. What we are disagreeing with is that you ought not be writing foreign policy options in the Democratic Caucus. That makes it partisan political whether they like it or not.

Where this issue should be debated is in the committee, in the Committee on Foreign Affairs. That is a bipartisan body. Why not debate it there? Why are we having resolutions drafted in the Democratic Caucus and then suggesting that somehow, though, it was done in a nonpartisan way; that it was strictly bipartisan.

It is ridiculous to suggest that there were not partisan overtones and politically partisan motives behind drafting such a resolution in that caucus. I think that is the basis of the argument here. It is a question that has to be raised. Why is it that that caucus document was then sent directly to the Committee on Foreign Affairs? It was done with instructions from the Democratic Caucus. It seems to me that that is the kind of action that we are disagreeing with.

□ 1400

We have the perfect right, it seems to me, to disagree with actions of this Congress and of the Democratic Caucus within this Congress that we think ill-serve the entire foreign policy objectives.

Mr. Speaker, I thank the gentleman for yielding.

Mr. FOLEY. Mr. Speaker, if the gentleman will yield further, of course, the gentleman has the right to disagree with actions of the Democratic Caucus, but he should state correctly what happened.

There was not instruction by the Democratic Caucus to the Foreign Affairs Committee at its meeting last week. The gentleman is saying so, but he does not know the facts.

Further, if the gentleman suggests that this document, the one that was debated in the Democratic Caucus, was discussed with partisan overtones, perhaps he would not object if I asked unanimous consent that at the conclusion of the remarks of the gentleman in the well a draft of the document be printed in the RECORD in its entirety.

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

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

Mr. WALKER. Mr. Speaker, has this been cleared with the minority?

Mr. FOLEY. Well, the gentleman represents the minority.

Mr. WALKER. Well, the gentleman is not a part of the minority leadership, and under the Speaker's unanimous-consent obligation here, I thought we were supposed to clear it with the minority leadership before we proceed.

Mr. FOLEY. The Speaker was talking about bringing up legislation, not introducing things in the RECORD. What we were talking about in the joint leadership agreement was that legislation called to the floor for immediate consideration had to be cleared by both leaderships.

I am simply asking to include the text of the draft debated in the Democratic Caucus in the RECORD at the conclusion of the remarks of the gentleman from Michigan (Mr. SILJANDER) so that people can judge for themselves whether it has partisan overtones or not.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, I do not have any problem with that unanimous-consent request.

Mr. SILJANDER. Mr. Speaker, I do not have any objection either.

Mr. FOLEY. Mr. Speaker, if not, I ask unanimous consent that at the conclusion of the special order now under consideration, the text of the document entitled "Draft—February 1, 1984," which was considered in the Democratic Caucus, be printed in the RECORD.

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

There was no objection.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, I would like to make just one other point.

We did find an issue the other day where the Democratic Party's language is somewhat questionable, where the majority leader the other day referred to the policies of the President as being "cruelly deranged."

It seems to me that that somehow fits a category that is somehow of even a lower class than using the word, "vicious," to describe the manner in which things are done.

Mr. FOLEY. Mr. Speaker, will the gentleman in the well yield?

Mr. SILJANDER. Mr. Speaker, if I may regain my time, I am sorry that this has turned into a partisan jab contest. My points were three to make on the floor of the House: First, the fairness issue.

In my opinion, the timetable and the wording of the resolution were partisan and inappropriate for the Foreign Affairs Committee. Now, that is not such a vicious attack on the gentleman's party, simply a comment of my opinion.

No. 2, I believe that the substance of the resolution is misguided, and some of the information in it needed to be clarified and commented on. In 3 minutes I cannot finish doing that, but I shall for the record.

My third point—and I hope to have equal time on all three of these points—was to talk about the serious overtones of this resolution in terms of foreign policy in Lebanon and the implications for the future sovereignty of that country.

Those are the three points I wanted to make on the floor, and as all of us have heard, the three points deteriorated into one focal point, that being the partisanship of this resolution.

I have 2 minutes, and I will end by reinstating, if I may, several of the quotes of the resolution, and for the majority whip, in my comments the entire resolution is typed, so we will have it reiterated, along with his as well. "* * * Despite the lack of a realistic U.S. policy and the confusion about their mission * * *." That is a quote from the resolution.

Going on, it says that—

> The refusal of the parties to the conflict to make the compromises necessary to promote progress toward a peaceful resolution of the country's problems, requires a United States policy which gives higher priority to diplomatic and political solutions.

It goes on to say in another part of the resolutions:

> The administration's policy regarding Lebanon is not working.

It goes on in another section to say: "The administration has failed * * *." It goes on to say that the administration has failed several more times in the resolution.

For example, on page 4, lines 13 through 17, it says: "The failure of the administration's policy * * *" once again.

My only point is that this is an obvious attack in a political election year, with the polls so strongly supporting withdrawal of the marines, which we all support, and that this document has strong political overtones. I am glad to see that Members on both sides of the aisle are working to tone down the jargon of the document to make sure that the overtones are not heard but, rather, that the substantive points are made clear rather than engaging in a jabbing match on the political overtones in this document.

POINT-BY-POINT ANALYSIS OF THE DEMOCRATIC PARTY'S RESOLUTION ON LEBANON

(By Representative Mark D. Siljander, Member of the Subcommittee on Europe and the Middle East)

On October 27, 1983 the Washington Post reported that Speaker Thomas O'Neill, in a rebuke of Liberal Democrats shouted that the Democratic Party should put "patriotism above partisanship" and back President Reagan. The Post goes on to say that Speaker O'Neill took the occasion to shout his contempt for Democrats who "try to make this a partisan issue." He is in agreement with Reagan, O'Neill said, "because I am a PATRIOT!" (capitalization by the Washington Post).

And then President Reagan declared he was running for re-election.

Washington is a political town where people get paid to make genuine differences of opinion into political cannon fodder. They make a game out of "Gender-gaps" and "fairness issues" which we all have grown to expect. The Democratic resolution on the Marines withdrawal from Lebanon, approved by the Democratic caucus on February 2, goes beyond political games. The Democrats resolution on Lebanon resembles a Democratic National Committee "white paper" more than a foreign policy document. This resolution which will be read by our enemies and friends around the world, is in fact so seriously flawed as to endanger our relationships with valuable Middle East allies, invite terrorist attacks against all American citizens, jeopardize our Marines safety further by making them appear to be a force in retreat, and be potentially responsible for the deaths of thousands of Lebanese men, women and children. It is shocking that men who have built their careers and reputations on duty and non-partisan service to their country should so shame all Americans with this resolution.

To substantiate the above charges, a point-by-point analysis would be helpful.

Page 1, lines 1-6:

"That (a) the Congress finds as follows: (1) Lebanon is important to United States interests in the Middle East, and the goal of the United States policy with respect to Lebanon remains the territorial integrity and independence of Lebanon."

The statement, although one we can certainly agree with, marks a clear a distinct retreat from the language used by this Committee in the War Powers Resolution passed last year. At that time we stated that the "removal of all foreign forces from Lebanon is an essential United States foreign policy objective in the Middle East." Either it is no longer essential, or the Democrats choose to ignore the essential ingredients to peace in Lebanon.

Page 2, Lines 1-7:

"(2) There is however, widespread confusion among the American people about the mission of the United States Marines in Lebanon, and the President has been unable to present a convincing rationale for continued participation by the United States Armed Forces in the MNF in Lebanon under present circumstances."

The Democratic Party tends to underestimate the intelligence of the American citizen. In fact, the American public all too often understands Soviet complicity, this time in Syria, as a factor against freedom and peace more often than the leaders of the Democrats. President Reagan, Secretary Shultz and Secretary Weinberger have often told this Congress what the objective of United States policy in Lebanon is. It bears repeating."

"Our objectives in Lebanon have, from the beginning, been essentially threefold: The withdrawal of all external forces from Lebanon; a sovereign, independent Lebaon dedicated to national unity and able to exercise control throughout its national territory; and security for Israel's northern border, so that the inhabitants of northern Israel can live in safety and without fear of artillery or rocket attacks."—Secretary of State George Shultz, September 21, 1983.

(The objectives are) "(1) a cessation of Syrian/PLO/Israeli hostilities; (2) a secure northern border for Israel; (3) the reestablishment of a strong central government of Lebanon which could secure sovereign control of Lebanese territory; and (4) the departure of all foreign forces from Lebanon."—Secretary of Defense Caspar Weinbeger, Sept. 23, 1983.

"Our goal in Lebanon is a political settlement between the government and the various confessional groups, aiming at a broader based government that can extend its sovereign authority throughout the country. In these circumstances we envisage the withdrawal of all foreign forces, as well as security arrangements to assure the security of Israel's northern border."—Secretary of State Shultz before House Foreign Affairs Committee on October 24, 1983.

Again and again the Administration has defined these objectives, which one hopes all Members of Congress share.

Page 2, Line 8-13:

"(3) As the situation in Lebanon has deteriorated in recent months, it has posed increased dangers to the United States Armed Forces in Lebanon and has prohibited them for performing the peacekeeping mission which was the original justification for their presence in Lebanon."

The Democrats fail to point out how the situation has deteriorated in recent months. Clearly the bombing of the Marine compound in October was a tragedy. Our Marines, however, are in fortified positions that insure their safety against massive casualties, protect them against attack, and enable them to perform their duties.

It is important to understand just what their duties as peacekeepers entail. President Gemayel of Lebanon, who asked the MNF to come to Lebanon said on January 31, 1984:

"The presence of the Marines here is symbolic and provides moral support for the whole Free World. The Marines are not being asked to be militarily responsible."

The Marines, have done their job with an excellence that lives up to their reputation. Without their presence, the Government of Lebanon would have fallen, and all hopes for a free and democratic Lebanon would have vanished.

Page 2, Lines 14-22:

"(4) As the Department of Defense Commission on the Beirut International Airport Terrorist Act of 23 October (commonly known as the Long Commission) concluded, United States policy with respect to Lebanon has emphasized military options and the expansion of the United States military role and there is an urgent need for a reassessment of alternative means to acheive United States objectives in Lebanon in light of the changed circumstances."

The Administration and Members of Congress have continually searched for alternative means of achieving U.S. objectives. Rep. Siljander has proposed a phased withdrawal of Marines to naval ships anchored off the Lebanese coastline. Lebanese brigades, trained by the U.S. military would replace the Marines. This action would not only increase the safety for Marines but it would also allow for a continued U.S. presence in Lebanon. The key to Congressman Siljander's proposal and others like it, is that they are seeking ways to protect the Marines without sacrificing American interests and objectives and the lives of thousands of Lebanese civilians. This document, while not representative of all Democrats, makes no such attempt.

The document also contradicts itself between points 3 and 4. In the previous paragraph the resolution states that the "increased dangers to the U.S. Armed Forces . . . has prohibited them from performing their peacekeeping duties." Point 4 states that they are becoming too militaristic. The Democratic Party's argument becomes two-sided and begins to lack credibility.

In September, after receiving casualties, the President gave the Marines broad authority to use air strikes and artillery fire to protect U.S. troops and embassy personnel. It is vital that the Americans have the power to fire on those shooting at them and to retaliate after an attack. If this is what the Democrats describe as an increased military role, then they obviously lack understanding of the need to support our Marines.

Page 2 and 3, Lines 22-25, 1-7:

"(5) The Investigations Subcommittee of the Committee on Armed Services of the House of Representatives, in its report dated December 19, 1983, concluded that, 'Sustained deployment of personnel in the situation of almost certain further casualties should only be undertaken if the policy objectives are visible, profoundly important and clearly obtainable. Failure of the Administration to adequately reexamine its policy and relate it to present conditions will only mean that such reexamination will have to be done by Congress."

The Document states that there will be further casualties in Lebanon. As a result we should pull out, unless the objectives are clear. Since the objectives are clear, the test of the statement has been passed. The real thrust of it, however, causes concern. If this Congress passes a resolution that makes continued U.S. presence contingent on there being no further casualties, it is extending an invitation to terrorists, snipers and other extremists to take every possible chance to kill American soldiers. If we let the terrorists know that all they have to do to win is kill Americans then they will try to oblige the Democrats.

The policies of the United States can never be contingent on the results of terriorists. Once we let them manipulate our foreign policy the safety of every American abroad, and many here in the United States will be in constant danger.

Page 3, Lines 8-14:

"(6) The United States Marines in Lebanon have performed superbly despite the lack of a realistic United States policy and the confusion about their mission, and every effort must be made to ensure that pending their withdrawal from Lebanon, measures are taken to protect their security which are commensurate with the risks of further terrorist attacks."

The Democrats do not know which way to take their arguments. They go from saying the Marines cannot perform their duties because they are not safe, to saying they are expanding their military role too much. Now they attempt to patronize patriotic Americans as a introduction to a blatantly political statement.

The United States policy in Lebanon, as examined earlier, is a clearly defined, realistic one. Due to the presence of the Marines the embattled Lebanese factions have held their first talks since 1976, and worked out all the essential ingredients of national reconciliation. The U.S. Army has successfully trained thousands of new Lebanese soldiers, and provided the stability in Beirut for the Army to begin the securing of its country.

As for the statement on troop safety, the Democrats know that extensive efforts have been made to improve it.

Page 3, Lines 15-21:

"(7) The situation in Lebanon, which is mired in internal domestic stalemate because of internal fighting and the refusal of the parties to the conflict to make compromises necessary to promote progress toward a peaceful resolution of the country's problems, requires a United States policy which gives higher priority to diplomatic and political solutions."

Most parties in Lebanon have worked to establish a lasting peace. If an agreement is put together, usually only one group, and that a Syrian puppet, vetos it. That means Christians, Sunnis, and most Shiites are agreeing on security agreements and national reconciliation. An example of this cooperation is seen in the make-up of the Lebanese Armed Forces. The officer corps is 50% Christian and Moslem. The enlisted men are 60% Moslem. The attempt to promote a multi-confessional military is a dramatic symbol of the way the opposing factions are moving together.

Only an ostrich would not see the intensive diplomatic negotiations going on in the Middle East. The United States has pursued every available channel to peace. Donald Rumsfeld has been shuttling between Syria, Washington and Beirut. The Administration even cooperated with the good-will mission by Rev. Jesse Jackson in order to secure the release of Lt. Goodman. President Reagan has gone so far as to offer to meet with Syrian President Assad. These negotiations have borne fruit. Progress is being made due to the high priority placed on diplomatic and political solutions on the U.S. part, Saudi Arabia, France and others.

The Democrats fail to comprehend the nature of our diplomatic strategy and the strategy applied by nations since the earliest recorded history. Our military is not there to win a war, but to support our diplomatic efforts. If the U.S. is to deal effectively in the Middle East and influence the perceptions of U.S. adversaries and their willingness to agree to political accommodation, the U.S. must be ready to apply measured force to protect important interests and objectives. This does not mean "war" in the traditional sense; rather, it is the use of military power to complement diplomacy. Presence may suffice to help achieve a diplomatic objective. But presence can be reinforced by the use of force (as with the U.S.S. New Jersey), thus creating rapid and effective self-defense.

Page 3 and 4, Lines 22-25 and 1:

"(8) The situation in Lebanon is drifting out of control and the administration's policy regarding Lebanon is not working. The United States is reacting to events rather than implementing policies which are in the national interest of the United States."

Once again, the Democratic Party's Resolution fails to grasp reality in Lebanon. Real progress has been made and is continuing. Without repeating too much of what has already been said, the public talks at Geneva and the private talks that have ensued have brought Lebanon closer to a democratic and unified nation. The problems of Lebanon are primarily external, not internal.

Page 4, Lines 8-12:

"The administration has failed to impress upon the Government of Lebanon the urgent need for it to develop a viable reconciliation plan, which might include such objectives as more equitable power sharing,

early parliamentary elections, a new census, and the formation of a government of national reconciliation."

As mentioned before, the United States has facilitated negotiations between Lebanese factions for the purpose of reconciliation. It is Syrian interference that has prevented a settlement.

Page 4, Lines 8-12:

"(10) The administration has allowed the situation to dominate the United States agenda in the Middle East to the detriment of efforts for progress in the broader, and ultimately more important, Middle East peace process."

Peace in the Middle East can only take place when each nation feels secure about its own borders and protection. Lebanon is a flash point for potential war between Israel and Syria. Of all Israelis 75% believe a war with Syria in the near future is inevitable. Syrians are concerned about Israeli presence in Lebanon. Lebanon, a moderate Arab state is of course, embroiled in its own war. While this conflict remains unresolved, there can be no comprehensive Middle East peace.

The peace process can be served best by the continued efforts of the Reagan administration to restore Lebanon's sovereignty. If the Marines prematurely withdraw and the Government of Lebanon is overthrown because of its moderate policies and willingness to negotiate, it will have ominous implications for the peace process and other U.S. friends. If Syria successfully defeats the moderates, what will stop it from attempting to use its Soviet supplied muscle to destabilize and overthrow King Hussein of Jordan should he try to negotiate with Israel.

The United States is the guarantor of peace in the Middle East, since it has the power to protect the Persian Gulf from Soviet aggression. The U.S. also is the common denominator between the moderate Arabs (and some radical ones) and Israel. The entire Arab world will assess just how much they should trust the United States to protect them based on its actions in Lebanon. Contrary to the Democratic Party's resolution, success of U.S. efforts in Lebanon is the key to meaningful Arab-Israeli negotiations.

Page 4, Lines 13-17:

"The failure of the administration's policy has led to widespread concern among the American people that continued participation by United States Armed Forces in the Multinational Force in Lebanon is not in the national interest."

The Democratic Party is attempting to make this statement a self-fulfilling prophecy. By using partisan politics to interfere with our foreign policy, the American people receive conflicting information. When we discuss Lebanon in terms of 18 factions it is confusing to an expert. But when the real issue is examined, it is clear. The situation is Lebanon vs. Syria. It is the forces of an independent Lebanon backed by the United States, France, Italy and Great Britain against the forces of a radical Arab state dominated by Syria and their ally, the Soviet Union.

Due to the partisan attacks on the President's policies, the American people are concerned with our prospects for success. With distortions and half-truths being told to them, as they exist in this Democratic Party resolution, it is no wonder they are concerned.

There can be no doubt that the late Honorable Chairman of the House Foreign Affairs Committee understood what the results of this attempt at a political gain at the expense of our national interest. Three months before he died, Chairman Zablocki said:

"It is extremely important to make this as non-political and as bi-partisan of an effort as we can. It is in the national interest to avoid partisanship in this issue. The 18-month authorization will allow this President or the next President an opportunity to undertake his own review about what policy we are to follow in Lebanon, without time pressure."

Zablocki went on to say that the 18-month authorization would be long enough to (1) serve notice on the Syrians, their Soviet friends, and other parties in the Near East that the United States is serious about its assignment of Marines to the Multinational Force in Beirut, and (2) will depoliticize the issue by carrying the authorization date for their deployment past the November 1984 U.S. election date.

Mr. Zablocki was a statesman. In matters of United States security and freedom around the world he rose above partisan politics. His efforts to take the Lebanese issue out of the Presidential political arena are being thwarted by his own party members. Perhaps they would do well to earn from his example

Page 4, Lines 18-23:

"(b) Therefore, the Congress declares that United States policy toward Lebanon should include the following elements:

"(1) The prompt and orderly withdrawal of the United States Armed Forces participating in the Multinational Force in Lebanon, in consultation with other members of the Multinational Force."

It is in this section that the Democrats remove all doubt that this is merely a political manifesto and not a responsible foreign policy document.

First, the Democratic Party's resolution uses a deliberately nebulous word as the key word in the document. Does prompt mean 30 days or 90 days? The word puts the Democrats in the position of criticizing the President without making any recommendations to back up their case. Since the premature withdrawal of Americans would be disasterous, the Democrats seek to avoid responsibility by obscuring their intent.

Second, the phrase does not call for a withdrawal in such a way as to preserve the objectives and national interests of the United States. It calls for a unilateral and unconditional pullout. Most experts believe that such a pullout would bring about a rapid collapse of the Gemayel government and the installation of a Syrian/Soviet manipulated regime. President Gemayel summed it up best:

"(Referring to advocates of a pullout) are they thinking about the alternative to the collapse of the Lebanese system and government and what this will mean to the Free World in general and the American interests in the Middle East? Who will be the main beneficiary of such a collapse? If these critics think hard on these questions, maybe they will see that the interests of Lebanon are important to the interests of the Free World."

In the same Washington Post interview President Gemayel warned the U.S. Congress that a withdrawal of the Marines from Lebanon now would mean the end of Lebanese unity and democracy and, beyond that, would endanger Western interests in the Middle East.

Third, the collapse of the Lebanese government which would almost certainly follow the surrender/pullout envisioned by the Democratic Party's resolution would create a vacuum in Lebanon that would spark fighting far worse than has yet been seen in Lebanon. It is probable that thousands of Lebanese men, women and children would die, and tens of thousands wounded and homeless not to mention actual military losses.

Fourth, the collapse of the government and the instability that would occur would dangerously increase the chances for direct Syrian and Israeli fighting. The next war between these two will be much worse than before. The Soviets have at 7,000 combat "advisors" in Syria, actually operating the SA-5 anti-aircraft rockets. It is clear that Soviets would be shooting down Israelis and that Soviets would die as a result of Israeli air strikes against the sites. The Soviets have also provided the Syrians with land based missiles can hit almost all areas of Israel, creating the prospect for significant loss of civilian life and the specter of United States involvement. The likely scenario suggests that a Soviet-American confrontation in the Middle East is highly likely. A new Arab oil embargo against the United States would also be probable, hurting our economy and exacerbating an already precarious economic situtation in our country.

Fifth, in the event that war could be avoided between Syria and Israel, almost all moderate Arab countries would be forced to reassess their relationships with the United States. Jordan would clearly retreat from the peace process and Egypt would most likely continue its slow drift away from normal relations with Israel.

Page 4 and 5, line 24-25 and 1-9:

"(2) A concerted diplomatic effort at the United Nations to replace the MNF in Lebanon with another international peacekeeping force under United Nations auspices, as called for in section 5(c) of the Multinational Force in Lebanon Resolution, such effort to include discussions with the Secretary General of the United Nations, the President of the Security Council, and all members of the Security Council. If this is not successful, the United States must intensify efforts to obtain agreement by other countries to assume peacekeeping responsibilities in the Beirut area."

This provision is misleading as to the intent of Section 5(c) of the War Powers Resolution. The section was a "sense of the Congress" that the U.S. should discuss the establishment of a U.N. peacekeeping force with other members of the Security Council. It also called for an analysis of the response from those talks to see what the implications were. It also called for these talks "not later" than September of 1984.

Asking the Security Council to bail us out of Lebanon is a foolish idea. If the U.S. goes before the Council and asks for a U.N. peacekeeping force, it faces the likely prospect of a Soviet veto and risks further international embarrassment. If the Soviets would approve such a resolution, the price the United States would have to pay would be too high. The Soviets would most likely demand an increased presence in the Middle East, a move that would be highly detrimental to U.S. interests. Such an abrogation of our position in the Middle East would clearly send the wrong signals to moderate Arab states.

Page 5, lines 10-13:

"(3) Advising the Government of Lebanon of the urgent need for that Government to develop a reconciliation plan which recog-

nizes the legitimate aspirations of all confessional groups."

The existing efforts to this effect have been previously discussed. It does make one wonder where the Democrats have been the last few months.

Page 5, lines 14-17:

"(4) Development of intensified diplomatic efforts with Syria, as soon as possible, to achieve acceptance by Syria, and the factions it supports in Lebanon, of a reconciliation plan."

This seemingly simple phrase shows why it is dangerous to trust the Nation's foreign affairs to the Democratic National Committee. The Democratic Party's resolution shows a profound misunderstanding of the Syrian role in Lebanon. Syria believes that Lebanon is part of a "Greater Syria" and has no real interest in a peaceful reconciliation agreement. This is particularly true if the United States is in a mode of retreat. Again and again we have seen that the Syrians respond best to strength, and exploit weakness. The Syrians want nothing more than a withdrawal of the MNF so that he can attempt to fulfill his goals.

This naivite, if enacted into law, would only bring about increased tragedy for Lebanon at the hands of Assad, a ruthless dictator with his own people, much less others.

Page 5, lines 18-20:

"Promotion of a continuing dialogue between the Governments of Israel and Lebanon concerning security arrangements and a reconciliation plan for Lebanon."

One of the key accomplishments of the Reagan administration has been the May 17th Agreement calling for full Israeli withdrawal from Lebanon and normalization of relations. This agreement, however, is one of the main reasons for Syrian intransigence. Syria does not want a second Arab state to recognize Israel, nor do they feel an Israeli withdrawal should be timed to coincide with a Syrian withdrawal. Lebanese-Israeli dialogue is continuing and has had tangible results. It is with the Syrians that the Lebanese need a dialogue.

Page 5, lines 21-25:

"(6) Continuation of other efforts to achieve the withdrawal of all foreign troops from Lebanon and the reestablishment of a sovereign independent Lebanon, taking into account the legitimate security concerns of Syria and Israel."

If this resolution were to bear the force of law, there would be no foreign troop withdrawal. Even its passage would be a signal that Syrian intransigence was achieving its intended results.

It is clear that Syria, while perhaps not being directly involved, has been at least tacitly involved in the terrorist attacks against the Multinational Force and Israel, including the attack that killed 240 Marines. Syria has used whatever means at its disposal to drive the MNF out, and increase its hold on Lebanon. All indications are that Assad does not want to leave Lebanon and will only do so if pressure for a settlement is great enough. The Democratic Party's resolution awards Syria for its role in killing U.S. Marines and destabilizing Lebanon. For that reason alone the resolution should be defeated.

Page 6, Lines 1-4:

"(7) Renewal of efforts to pursue vigorously a broader Middle East peace to reduce tensions through the region as a step in facilitating peace and reconciliation in Lebanon."

This issue has been discussed earlier, but suffice it to say that the presence of this provision in a resolution calling for the unilateral surrender/pullout of the Marines shows an inability to grasp the Arab mindset. The Arab states, even the moderate ones will not negotiate with Israel until all of their troops are out of Lebanon. Egypt has not had an ambassador present in Israel since June of 1982, and has vowed not to send one back until the Israelis withdraw entirely from Lebanon.

In short, there can be no comprehensive Middle East settlement without solving Lebanon's problems first.

Page 6, lines 5-12:

"(8) Intensification of United States efforts to retrain and reequip the Lebanese Armed Forces, including efforts to increase military assistance and the delivery of defense articles and defense services to enable the Government of Lebanon to assume the responsibilities of the Multinational Force in Lebanon and enable local security forces to assume internal security functions among the various communities in the country."

Once again, this provision, on its own a good one, is in direct conflict with the main goal of the Democratic Party's resolution, which is unilateral surrender/withdrawal in an orderly fashion. This provision is helpful if it leads to phased, responsible withdrawal. The United States, contrary to the tone of the provision has been actively training new Lebanese Armed Forces.

Since the military aid program began in October 1982, the Lebanese Armed Forces has increased in size from 17,500 to over 32,000 today. Two new brigades, currently being trained will be armed and equipped within 90 days, and two more brigades are expected within the year. The program will bring the strength of the Lebanese forces up to 60,000.

One important point that this provision raises is that the Lebanese government is having difficulty receiving the defense items it needs. The Gemayel administration has been asking for 10 out-dated Hawker-Hunter fighters to double the size of the Lebanese air force. The United States should move more forcefully to give the Lebanese forces what they need to reclaim their national sovereignty.

Page 6, Lines 13-19:

"(9) Implementation of an economic assistance program for Lebanon with funds already appropriated, and with the immediate assistance of the International Bank for Reconstruction and Development, to start sound economic reconstruction and development projects and energize the Lebanese government to provide better services and more presence in as much of the country as possible."

The Reagan administration has provided substantial aid to Lebanon in the regular Foreign Assistance budget and the Supplemental. Lebanon has access to massive amounts of dollars from Saudi Arabia, and actually pays for 80% of their defense purchases with cash.

Once again, the intent of the resolution, while positive as a separate provision is contradictory to the surrender/withdrawal provision. Since the Gemayel government would fall, hostilities would increase to new levels of intensity, and foreign troops would retrench, any attempt to build-up the infrastructure of Lebanon is merely handing cash to the Syrians who will take over in Lebanon.

This provision also fails to account for the tremendous entrepreneural spirit of the Lebanese people. Their country has always been the door to the Middle East, and shows signs of revitalization every time there is a period of peace. A Lebanon free from foreign occupation will be able to restore itself economically. A Lebanon left to the Syrian army cannot hope to be revived.

Pages 6 and 7, Lines 20-25 and 1-3:

"(10) Implementation of a series of plans, including military contingency plans, to protect against the increasing threat which terrorism poses to the United States and its friends and interests in the region. Such plans should include improvement of United States intelligence gathering, coordination, and assessment capabilities in Lebanon in order to protect United States interests, citizens, and Armed Forces in Lebanon and to guard against terrorist attacks."

President Reagan has been developing plans and legislation to help combat terrorism. Our improved strategic relationship with Israel gives the United States increased access to Middle East intelligence. The improvement in intelligence was demonstrated by the discovery of planned suicide-airplane attacks against American ship, which led to threats of American preemptive strikes and increased preparedness.

The provision once again avoids the problem the resolution creates. The surrender/withdrawal on a unilateral basis serves as a reward to terrorism. By showing cowardice in this Congress in the face of radical Moslem terrorist attacks we are extending the greatest written invitation to terrorism.

Page 7, line 4-7:

"(c) Not later than 30 days after the adoption of this resolution, the President shall submit a written report to the Congress on the actions he has taken to implement these policies."

It is worth reading this section just to see something specific and tangible mentioned. The political overtones of the Resolution are concluded, by attempting to shift all responsibility for the irresponsible actions contemplated by this document onto the President.

CONCLUSION

The Democratic Party's resolution is one of the most blatant political efforts ever made in the Foreign Affairs Committee. It represents, at best, a partisan infringement on a sensitive area of U.S. interests and, at worst, a cruel hoax that could potentially be responsible for the loss of thousands of lives, the loss of American prestige, a major Middle East war, and the collapse of freedom and democracy in Lebanon. This is an irresponsible effort to play politics where it is most inappropriate to do so.

In the Foreign Affairs full committee meeting on February 1, Democratic Representative Stephen Solarz said, "This document has clear partisan overtones. This is far too important to take up hastily in an ill conceived manner." Apparently many Democrats who have been devoted friends of Israel and authors of bipartisan consensus on the Middle East in general see the danger in this resolution.

An effectively coordinated, calibrated and coherent policy can only be carried out by a Presidential decision and adherence to it within the Executive Branch. The Congress must realize that it can thwart a coherent policy but it is incapable of formulating or implementing a coherent policy of its own. Congress helps determine basic policy, but the Administration risks serious undermining of basic U.S. interests if Congress attempts to micro-manage U.S. policy or act to undercut it. It is clear that foreign nations, adversaries in particular, are acutely con-

scious of trends in Congressional moods and pressures on the Administration.

There is no room for partisan politics where thousands of American and Lebanese lives are at stake. Perhaps Speaker O'Neill said it best himself last year when he stated, "Politics stops at our shoreline, and we are no longer Democrats or Republicans but Americans." The Middle East and the United States would be a lot safer if the Speaker would follow his own admonition.

[Draft—February 1, 1984]

H. CON. RES. 248

Concurrent resolution to bring about the prompt and orderly withdrawal of the United States Armed Forces participating in the Multinational Force in Lebanon

Resolved by the House of Representatives (the Senate concurring), That (a) the Congress finds as follows:

(1) Lebanon is important to United States interests in the Middle East, and the goal of United States policy with respect to Lebanon remains the territorial integrity and independence of Lebanon.

(2) There is, however, widespread confusion among the American people about the mission of the United States Marines in Lebanon, and the President has been unable to present a convincing rationale for continued participation by United States Armed Forces in the Multinational Force in Lebanon under present circumstances.

(3) As the situation in Lebanon has deteriorated in recent months, it has posed increased dangers to the United States Armed Forces participating in the Multinational Force in Lebanon and has prohibited them from performing the peacekeeping mission which was the original justification for their presence in Lebanon.

(4) As the Department of Defense Commission on the Beirut International Airport Terrorist Act of 23 October 1983 (commonly known as the "Long Commission") concluded, United States policy with respect to Lebanon has emphasized military options and the expansion of the United States military role and there is an urgent need for a reassessment of alternative means to achieve United States objectives in Lebanon in light of the changed circumstances.

(5) The Investigations Subcommittee of the Committee on Armed Services of the House of Representatives, in its report dated December 19, 1983, concluded that, "Sustained deployment of personnel in the situation of almost certain further casualties should only be undertaken if the policy objectives are visible, profoundly important and clearly obtainable. Failure of the administration to adequately reexamine its policy and relate it to present conditions will only mean that such reexamination will have to be done by Congress".

(6) The United States Marines in Lebanon have performed superbly despite the lack of a realistic United States policy and the confusion about their mission, and every effort must be made to ensure that, pending their withdrawal from Lebanon, measures are taken to protect their security which are commensurate with the risks of further terrorist and other attacks.

(7) The situation in Lebanon, which is mired in internal domestic stalemate because of internal fighting and the refusal of the parties to the conflict to make the compromises necessary to promote progress toward a peaceful resolution of the country's problems, requires a United States policy which gives higher priority to diplomatic and political solutions.

(8) The situation in Lebanon is drifting out of control and the administration's policy regarding Lebanon is not working. The United States is reacting to events rather than implementing policies which are in the national interest of the United States.

(9) The administration has failed to impress upon the Government of Lebanon the urgent need for it to develop a viable reconcilation plan, which might include such objectives as more equitable power sharing, early parliamentary elections, a new census, and the formation of a government of national reconciliation.

(10) The administration has allowed the situation in Lebanon to dominate the United States agenda in the Middle East to the detriment of efforts for progress in the broader, and ultimately more important, Middle East peace process.

(11) The failure of the administration's policy has led to widespread concern among the American people that continued participation by United States Armed Forces in the Multinational Force in Lebanon is not in the national interest.

(b) Therefore, the Congress declares that United States policy toward Lebanon should include the following elements:

(1) The prompt and orderly withdrawal of the United States Armed Forces participating in the Multinational Force in Lebanon, in consultation with other members of the Multinational Force.

(2) A concerted diplomatic effort at the United Nations to replace the Multinational Force in Lebanon with another international peacekeeping force under United Nations auspices, as called for in section 5(c) of the Multinational Force in Lebanon Resolution, such effort to include discussions with the Secretary General of the United Nations, the President of the Security Council, and all members of the Security Council. If this is not successful, the United States must intensify efforts to obtain agreement by other countries to assume peacekeeping responsibilities in the Beirut area.

(3) Advising the Government of Lebanon of the urgent need for that Government to develop a reconciliation plan which recognizes the legitimate aspirations of all confessional groups.

(4) Development of intensified diplomatic efforts with Syria, as soon as possible, to achieve acceptance by Syria, and the factions it supports in Lebanon, of a reconciliation plan for Lebanon.

(5) Promotion of a continuing dialogue between the Government of Israel and Lebanon concerning security arrangements and a reconciliation plan for Lebanon.

(6) Continuation of other efforts to achieve the withdrawal of all foreign troops from Lebanon and the reestablishment of a sovereign independent Lebanon, taking into account the legitimate security concerns of Syria and Israel.

(7) Renewal of efforts to pursue vigorously a broader Middle East peace to reduce tensions through the region as a step in facilitating peace and reconciliation in Lebanon.

(8) Intensification of United States efforts to retrain and reequip the Lebanese Armed Forces, including efforts to increase military assistance and the delivery of defense articles and defense services to enable the Government of Lebanon to assume the responsibilities of the Multinational Force in Lebanon and enable local security forces to assume internal security functions among various communities in the country.

(9) Implementation of an economic assistance program for Lebanon with funds already appropriated, and with the immediate assistance of the International Bank for Reconstruction and Development, to start sound economic reconstruction and development projects and energize the Lebanese Government to provide better services and more presence in as much of the country as possible.

(10) Implementation of a series of plans, including military contingency plans, to protect against the increasing threat which terrorism poses to the United States and its friends and interests in the region. Such plans should include improvement of United States intelligence gathering coordination, and assessment capabilities in Lebanon in order to protect United States interests, citizens, and Armed Forces in Lebanon and to guard against terrorist attacks.

(c) Not later than 30 days after the adoption of this resolution, the President shall submit a written report to the Congress on the actions he has taken to implement these policies.

THE EXCLUSIONARY RULE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada (Mr. REID) is recognized for 30 minutes.

Mr. REID. Mr. Speaker, during my 20 years of law practice in my home of Las Vegas, I came to view with growing concern a legal phenomenon known as the exclusionary rule.

Simply stated, the exclusionary rule prohibits the use in criminal proceedings of evidence that the court determines was obtained in violation of constitutional guidelines; in other words, the criminal goes free because the constable goofed. My legal experience has shown that the major problem with the exclusionary rule is presented when the law enforcement officer believed he was acting within the confines of the law, but was later second-guessed by a judge.

The 1971 U.S. Supreme Court case of Collidge against New Hampshire illustrates the extent of the problem. A 14-year-old girl was found with her throat slit and a bullet in her head 8 days after she had disappeared. Police contacted the wife of a suspect whose car was like one seen near the crime, and she gave them her husband's guns. Tests proved that one of the weapons had fired the fatal bullet.

Invoking his statutory authority, the attorney general of the State issued a warrant for the arrest of the suspect and the seizure of his car. He was captured and convicted. But the Supreme Court reversed the conviction on the grounds that the warrant was defective, the search of the auto unreasonable and vacuum sweepings from the auto—which matched the victim's clothing—were inadmissible. The Court in so holding stated that the attorney general who issued the warrant had personally assumed direction of

the investigation and thus was not a "neutral and detached magistrate."

Lawmaking, by any definition, involves the serious, insightful thinking of those people with the authority to create—and sometimes enforce—their enactments.

When considering this creative process at a Federal level, laws can be created in 2 ways—by the U.S. Congress through legislation, in the form of public laws; or by the U.S. Supreme Court through its decisions, in the form of case law.

From whichever seedling the process derives one point is clear: The laws of a nation, are the mandates of social behavior and form the most instructive portion of a nation's history.

I would like to focus on one particular element of our legal history—one that involves basic protections delineated in the Bill of Rights and the evolutionary interpretations applied to those rights. More specifically I want to discuss the exclusionary rule, its application and need for revision.

To some this rule is considered the embodiment of our Nation's commitment to insuring that the fourth amendment's restraints on the power of government are zealously observed.

To others this rule has replaced the fourth amendment itself as the source of the prohibition against illegal behavior, in this application the unreasonable search or seizure by law enforcement officials.

Let us take a closer look at this provision which permits the exclusion from trial of evidence seized in an illegal search.

It is important to understand that this rule has been the product of case law—not legislative enactments.

The judicial direction has occurred because, although the fourth amendment secures the right of persons to be free of unreasonable searches or seizures, the amendment has no constitutional nor statutory provisions defining or limiting the meaning of "unreasonable." Therefore, case by case, since Mapp against Ohio in 1961 the Judiciary has designed the use and application of the rule.

This Supreme Court decision, in reality, was the last event of a three-stage process.

The first stage was the formulation and adoption of the fourth amendment. Next the annexation of the exclusionary rule to the fourth amendment. And, finally, the incorporation of the fourth amendment and the exclusionary rule into the 14th amendment, which restricts the separate states.

Let me briefly address these stages of evolution.

The fourth amendment was designed to protect the citizens of this country from the unrestricted searches or seizures they had experienced in England. Historically, English monarchs granted this power in two forms. The first, a general warrant, did not require the name of the alleged violator and was valid for the duration of the life of the monarch under whose name it was issued. The second, a writ of assistance, permitted its bearer, usually a customs official, to search with unlimited discretion for the duration of the life of the reigning monarch.

Since the fourth amendment itself contains no provision for the exclusion of illegally obtained evidence, the Supreme Court rendered decisions to create this exception.

This, the second stage of the rule's development, dealt with various considerations:

First, the impact of the fourth amendment violations on fifth amendment rights regarding self-incrimination; second, the crucial timing for requesting suppression and/or return of the illegally obtained evidence; third, the use of reproduced evidence after the return of the actually seized materials and the treatment of contraband; and fourth, the defendant's right to suppress.

These are just some of the considerations that led to the third stage of the rule's evolution—the incorporation of the fourth amendment into the liberties protected by the due process clause of the 14th amendment. This would apply and enforce the exclusionary rule at the State level.

By this time we had entered the sixties—giving judicial background to the Mapp against Ohio decision.

Although common law, via the Mapp decision, indicates that the exclusionary rule is constitutionally required, experts are still unclear as to the source of the requirement.

Some say the exclusion is mandated by the Constitution by way of the fourth or fifth amendment, or both. Another theory rests on the premise that the exclusionary rule is constitutionally required in order to prevent the Government from securing the aid of the judiciary in giving effect to a fourth amendment violation or to prevent the judiciary itself from committing what is described as a second fourth amendment violation—by hearing tainted evidence.

A third theory maintains that the exclusionary rule is a constitutionally required remedy.

The theory continues that in order to give effect to the Constitution's prohibition against illegal searches and seizures, it may be necessary for the judiciary to remove the incentive for violating it. This interpretation treats the exclusion of unconstitutionally obtained evidence not as a contitutional right but as a constitutional remedy—a product of the judiciary.

In realizing the necessity to protect the provisions of the fourth amendment we must remember that the only constitutional requirement is for some effective remedy to ensure that Government agents obey the fourth amendment.

Let us look at the practicality of alternative remedies—ones that we might consider to replace exclusion.

One possibility is an existing Federal statute that makes it a crime for anyone—acting under color of law—to deprive a person of rights protected by the Constitution. The Supreme Court has modified this further to apply only to cases involving willful deprivation of constitutional rights. In its present form—critics say—the harshness of the sanction might be an obstacle to its effective enforcement.

Another suggested remedy is an action in Federal court seeking an injunction against fourth amendment violations. The problem with this remedy is that unless a victim of unconstitutional police practices can prove the likelihood of future injuries, the injunction would not be used.

A commonly used remedy is legal action for damages against Federal officials directly under the fourth amendment. This remedy does have some advantages over the exclusionary rule.

For one, it compensates the victims of fourth amendment violations as well as those victims accused of criminal offenses. Second, it has an element of proportionality because the amount of the judgment may be varied to reflect the degree of the constitutional violation. Third, the imposition of a direct sanction on the violator produces some measure of specific deterrence.

Damage actions, however, are not a panacea. Often, juries believe the police were just "doing their jobs" and do not find for the victim. In other instances lawyers are hesitant to take these cases because of the unlikelihood of a win. However, even when there is a positive holding for the victim, often the police officer does not have the funds to satisfy the judgment.

When reviewing all of these alternatives one important consideration stands out: We cannot forget that, in addition to protecting a person from fourth amendment violations, we must use the remedy to deter further illegal activities. That is why, in the sixties, the Court took a position not to apply the rule retroactively.

In order to preserve the purpose of the exclusionary rule, the Court developed a balancing approach in the seventies. This means weighing the potential injury to the proper functioning of the proceeding against the incremental deterrent effect that might be achieved by extending the rule to that proceeding.

During the eighties, the Court reconsidered the use of the rule and in a

1982 decision, allowed the retroactive application of the rule as a deterrent effect.

Like anything else of major import, the exclusionary rule is not without its alleged weaknesses.

The most common complaint is what preserving the fourth amendment's guarantees costs society in terms of otherwise reliable evidence.

Others argue that the rule actually does not have a deterrent effect because police often are not motivated by constitutional restraints but, rather, by the seizure of evidence.

A third argument is that the rule benefits defendants in a manner often disproportionate to the degree to which their fourth amendment rights were violated.

And a final legitimate argument is that the rule compensates only those accused of crimes.

So, what do we do now?

We could reduce the impact of the rule by making it easier for conscientious police officers, to comply with the fourth amendment.

And we could limit the circumstances in which exclusion of illegally obtained evidence is required.

In making compliance easier, the courts could state clear rules governing recurring-fact situations where the rule would apply. This is easier than it sounds.

Or, we could relax the rule's strict requirements—judicially or constitutionally.

As far as limiting the circumstances for applying the rule some suggest substituting the use of the rule in Federal criminal proceedings with a right of action against the Federal Government. This would involve actions for actual and punitive damages and could include administrative sanctions.

But, again, we come back to the question of deterrence and how these approaches would affect officers' attitudes at the time of violation.

That brings us to the most-hotly debated modification to the rule—the good faith exception. Basically, this would not require the exclusion of evidence obtained in the reasonable belief that the search and seizure at issue were consistent with the fourth amendment.

Three strong arguments have been advanced for the good faith exception:

First, exclusion is required only where its deterrent effects outweigh its costs.

Second, when a police officer acts with a reasonable but mistaken belief that his conduct is consistent with the fourth amendment, there is no deterrent served by the exclusion.

Third, exclusion frequently results in the freeing of the guilty—a terrible social cost.

As lawmakers, it is time for us to realize that there is a need for change with regard to the exclusionary rule.

As lawmakers, we must recognize that we could and should have a role in determining the practice and application of the rule—one which has a major impact on our whole system of justice.

As lawmakers, let us consider the importance of a good faith exception and look to legislation that protects not only the treatment of evidence, but, most importantly, the intent of the rules that govern this Nation, and provide rights to all of its people.

FROM THE INVISIBLE HAND, A GESTURE OF CONTEMPT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GAYDOS) is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, I do believe in the invisible hand of the market, even as it pertains to steel; but having watched world commerce, I know that all hands have fingers, particularly as they have affected steel since we adjourned the first session.

Fingers may point in blame, beckon or show direction; they can be used to test the weather or they can be sticky. A finger to the lips asks silence in a conspiracy and one to the temple in a circular motion signals lunacy.

In our culture, the finger of a divinely inspired hand wrote the future on a palace wall, and it also engraved the Commandments brought down from the Mount. Fingers drawn inward make a fist of the hand, and this is a sign of the intent to strike.

Furthermore, there are lone hands, upper hands, heavy hands, and hands that wash one another, whether visible or invisible. There are right hands that do not know what left hands are doing. Things can go hand in glove, and often the hand is of iron and the glove of velvet.

Hands and fingers, and the understanding of their language, are a mainstay of human communication even today amid the marvels of electronics. They show direction.

THE DIRECTION OF WORLD STEEL

Since we adjourned the first session, event has piled rapidly on event in world steel and the sum of these developments points toward more—and more intense—raiding of the U.S. market.

Even an unskilled hand can retrace the route of the invisible hand once it has moved. You cannot tell where a tornado will form; you cannot miss where it has been; there is devastation where it has touched down. The question we should consider is whether it is due to the hand of man or to natural forces.

So let us start with December 27, 1982, when Bethlehem Steel closed about 20 percent of its capacity and fired 10,000 workers.

These were workers and plants that had been competitive but fell after an 18-month siege by massive amounts of dumped and subsidized steel. The dumping and subsidies were officially proved in unfair trade cases.

Nevertheless, the Europeans continued to subsidize their industry, and the heavy hand of government staved off the bankruptcies that the invisible hand might have directed. The Asians held the hand of government and leaned on policy. The developing nations added capacity and increased shipments in the snap of an invisible finger.

And this remained the only steel-producing nation in the world to maintain an open market; and it is still the world's biggest market.

Then on December 27, 1983, United States Steel announced the closing of about 20 percent of its capacity and the firing of about 15,000 workers.

Again the cause was loss of market to dumped and subsidized steel, this time over the last 30 months. And once again trade findings are proving the case.

And still there is maneuvering in Europe, support in Asia, and ambition in the developing world.

LEFT HAND WORKS, RIGHT SLUMBERS

The Europeans are showing a uniqueness in their adjustment to world conditions—a unique hypocrisy.

For example, U.S. protectionism was condemned out of hand in December by the European Community's man in Washington, Sir Roy Denman. He said it threatens to topple orderly world trade. He scolded American steelmakers for claiming their legal right to fair trade, for fighting subsidy, and dumping.

And Sir Roy was particularly indignant over the Fair Trade in Steel Act and its 15-percent quota, which incidentally, would be the most generous in the world.

Meantime, in Europe, almost as Sir Roy sermonized here, the European Community began talks with a number of countries on a matter of great importance, according to the Wall Street Journal.

They began negotiations on steel.

They began negotiations on restraining steel imports from 15 nations, including Brazil, South Korea, and Japan. The Europeans want quotas that will limit their imports from the 15 nations to 4.4 million tons a year; this is less than 300,000 tons per year per nation.

Mr. Speaker, a 15-percent quota would have four times 4.4 million tons of imports into this market in a good year. We took almost four times 4.4 million tons in 1983, and it was a bad one. The finger would have to move a long way down our list of trading partners to get to one who sent only 300,000 tons.

What the European hand pushes away will have to find a resting place, and this is the only open market in the world; and at 15 percent, it would remain the most open.

Is this the infinite wisdom of the invisible hand? Or is it merely a finger of the hand raised in the universal gesture of contempt and disdain?

EUROPEAN HAND SUPPORTS PRICES

Among the things that caused Sir Roy to wring his hands was the corrupting effect that a successful exercise of the legal right to fair trade might have on American business. And he condemned the higher prices he saw falling on American consumers.

In Europe, the Community has just completed arrangements for internal production quotas and a price-fixing plan. They are setting "minimum prices" to end what they view as cutthroat competition to restore some profitability to the market.

As the director of the German Iron and Steel Federation said, "It would be much better to have clear control of subsidies, but the second best choice is to control the quantities of steel traded; and it seems the Community has got this point."

The Germans calculate subsidies of $75 to $85 a ton for steelmakers in Britain, France, Belgium, and Italy. They figure subsidies on coil products from Finsider—an Italian concern—at $137 a ton for items selling at $278. They complain of sharp price cutting meant to keep up output and employment.

Meantime, even our flinty-eyed American market analysts acknowledge that "cutthroat competition" from imports has destroyed profitability for U.S. companies. New records for losses are set each year.

Clearly the hand of the market wears a government-designed velvet glove in Europe.

A JOINING OF HANDS

In addition, there are telling combinations taking place within countries as well as between and among different countries. And the invisible finger signals that the goal is the only open market in the world.

In Sweden, almost as Sir Roy wagged his finger at us in the name of free trade, four big specialty steel firms announced they will merge to become one of the biggest in the world. They will be very efficient.

And one of the prime market strategies of the surviving steelmaker is penetration of the U.S. market through an American subsidiary, Ingersoll Steel.

The Wall Street Journal story on the merger said the Swedes look on Ingersoll as a "strategic beachhead." It is peculiar how often the language of war finds application in international trade.

Meantime, a major U.S. specialty company has had to lodge a complaint with our Government on what seems to be a haphazard and ineffective monitoring of specialty imports. Specialty steel is monitored because the American industry fought and won a major case while under assault from massive subsidy and dumping.

Furthermore, in Germany, Krupp and another giant company (Kloeckner) have merged casting and processing operations for titanium steel, forged pieces, and steel for railroads. They expect significant savings and higher productivity.

All of these firms compete directly with American workers and companies because this is again the only open market in the world.

The striking thing about these mergers is that in none of them does the hand of government seem to have been raised on antitrust or any other grounds. In most cases the governments officiated at the marriage ceremony.

They do not worry overseas about things like competitive balance in the market because the only market in which they really compete is this one; and they get every kind of help and encouragement to do it.

Invisible hands can shake in agreement and work toward a common goal when they have secured profitability and there is an open market.

HANDS ACROSS THE OCEANS

The combinations are not restricted by national boundaries.

For example, American specialty steel companies recently initiated a trade case against a Spanish steelmaker. The allegation is that there has been a violation of fairly won specialty quotas.

The owners of the Scofflaw Co. are a Spanish bank—talk about access to capital—and a Japanese company.

Also, in Europe, the Government of Belgium and Luxesbourg have worked out a deal to save three steel companies in which they have social and business interests, the Journal reports.

The company controlled by the Government of Belgium and the one controlled by the Government of Luxembourg will share their EC production quotas. The third one—the one they own jointly—will get a $250 million infusion of capital.

In addition, events in the developing world have kept pace with those in Europe. In Asia, the South Korean Government is building another export mill. The Government of Taiwan wants to expand its capacity.

And in Brazil, whose steel exports here were up 108 percent last year, the first heats have been run in a brand new $3 billion export mill. The first steel will arrive here this month.

This new plant is jointly owned by the Brazilian Government and two minority foreign partners.

The partners are Kawasaki of Japan and Finsider of Italy. Finsider is the firm willing to subsidize up to 50 percent of the price of a ton. It is 93 percent owned by the Government of Italy. It lost $2 billion in the last 2 years and the announced plan is to put $3 billion more into it by the end of 1985.

As for Brazilian steel, the U.S. Department of Commerce recently returned yet another verdict; the hand was found to be deeply in the cookie jar. There was a finding of dumping margins of up to 179 percent on hot rolled sheet and up to 225 percent on hot rolled plate.

It seems that one invisible hand washes another in international commerce.

Furthermore, the Dutch will put an additional $315 million into keeping alive their big steel group; and the French are hard at work trying to keep their biggest company out of the death grip of the invisible hand, which we know as bankruptcy.

ON THE OTHER HAND

Meanwhile, there have been two developments in the United States, the only open market in the world, that we can compare to see who might emerge with the upper hand.

United States Steel's closings drew applause from market analysts; from another part of the financial community, the act drew a reduction in credit rating. The reason? The company's debt-to-equity ratio now is too high. The result: Higher borrowing costs in hand-to-hand combat with competition that has low cost or no cost government financing. Debt accounts for more than 80 percent of capitalization in some steel industries.

And a merger between two big steel companies is pending in the United States. It has been pending since September. It has been delayed while the Justice Department tries to read the palm of our invisible hand to predict what might happen here if it is permitted.

And all we have heard from Justice in public comment in more than 120 days is a thinly veiled threat. The quota bill, a Justice spokesman said, might make the merger anticompetitive and, therefore, doomed.

Is the invisible finger pointed at our temple and moving in circles? Or is the swirling merely the winds coming together for another tornado?

Meantime, in the world, companies have merged within countries and countries have come together within companies. Feeding from the generous hand of government, they will compete with subsidies of 50 percent and dumping margins of 225 percent.

They speak of and they establish strategic beachheads in the only open market in the world. They use the language of war; and the first law of war is that there are no laws.

They do business in ways not sanctioned by what we consider to be sound practice; and they do things forbidden by law to American companies, particularly as they gather capital. In addition, they combine in power concentrations that would be severely punished were they to take place here; they fix prices and they agree on who will make what and where it will go.

Is this the invisible hand of the American market working its evolutionary magic? Or is it the gloved fist unclenching momentarily to render a mono-digital salute to some quaint and insular 19th century notions that blend the passion of theology with the novel findings of economics?

In short, is it creative destruction or simply destruction?

THE MOVING FINGER

As the poet, Fitzgerald, so appropriately said:

> The moving finger writes; and having writ, moves on; nor all your piety nor wit shall lure it back to cancel half a line, nor all your tears wash out a word of it.

It may be bad business to fix prices in the long run; I believe this, firmly.

It may be bad business for government to subsidize and to own in the long run; I believe this as well.

However, just as bad money drives out good, so does bad business make it impossible for good business to survive; neither can honest workmen pay their taxes nor meet their responsibilities nor make the contributions this society demands if they play the lone hand against foreign governments.

If you cannot survive the short run, there is no long run. The immediate future is being written today by the hands of foreign governments in languages we consistenly refuse to comprehend.

But, neither pious belief in 19th century theo-nomics, nor tears, will stay execution of the warrant once it is served. We had execution on December 27, 1982, and again on December 27, 1983. We can expect something in the last week of the last quarter of the year on a regular basis until we understand that some invisible hands are heavy clenched fists.

When we understand this, we can take a tip from the Dutch. No law or command of man can turn back a rising tide, yet the Dutch reclaim land from the relentless North Sea. There would be no Netherlands without the cunning hand of their workmen.

Natural change cannot and should not be thwarted; but whatever is made by the hand of man—whether visible or hidden—may by the hand of man be overturned.

The 15-percent quotas proposed by the Fair Trade in Steel Act are four times more generous than those the Europeans are now negotiating with 15 nations, who are themselves more stingy in their markets than the community. The quotas in the fair trade in steel bill are temporary. They are designed to give the American industry time—5 years—to do for itself at higher borrowing costs what every other nation does for its steel industry at low cost or no cost.

And remember, without these subsidies and this dumping the foreign steel that is coming here would be too high-priced to sell in this market, which is the only open market in the world. Without the helping hand of foreign governments, this steel could not compete here.

So I invite all in this body who are concerned about the future of America and all of its industries to review all of the record and to consider cosponsoring the fair trade in steel bill.

It would be an act of even-handedness that is called for by the times; and it would be a gesture of steady-handedness that cannot be misinterpreted, not even by our friend, Sir Roy.

And finally, it would put a finger on a big part of the problem.

□ 1440

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

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

There was no objection.

Mr. GAYDOS. Mr. Speaker, I want to conclude by saying that I understand in the heat of debate under special order, where my colleagues would be unable to recognize me or unwilling or probably by inadvertence. And I could not get recognition.

But I would like to take this next minute or two to put on record some of the points that I wanted to make during that debate.

And the first point I want to make is that regardless of how you cut the apple, the fact remains that the administration in Lebanon is there. They are going to have to answer to the American people. It has been the accepted policy, no matter who wants to polish the apple which way, it is the accepted historical policy in this country that he who rules has got to answer. And the administration is in Lebanon.

I did not vote for the particular resolution and I do not want to get into the really very finite but yet very complicated details involving the Marines in Lebanon. All I know is there is a Member here, my good friend from Texas, waiting to give us the result of his great study. And he has always been here during special orders. He will agree with me that nobody called me from the administration, nor him, to consult with us, when they made the decision to put the Marines in Lebanon. It was an Executive decision. And by law and under the Constitution the President had a right to do it. But once he did it, he has to answer for it.

We do have the ramifications of the War Powers Act. We had all the pros and cons of the debate and the self-wringing of hands and also the recriminations we have been hearing about. The fact remains that the administration in power is the one that is going to answer. They did it. And they have got to respond. They have to answer to it.

I remember in the past some of the debate had indicated that there were some remarks that were so viciously made in conjunction with the passage where the attempted now policy resolution, it was bad, it probably overstepped the bounds of decency here in the House. I can remember back as a Member when the Republican Party and to the man repeatedly called Jimmy Carter the worst of names and I do not want to repeat them. And they did it in every special order, every day, week after week and month after month. In fact, I think the criticism that is being directed toward the President today, because of the Lebanon situation, is mild—I repeat that, mild—compared to what the Democrats had to put up with when we had the situation in Iran and we had the situation down in the Caribbean and we had the influx of the immigrants and we had the other things that plagued the Carter administration.

Whether it is right or whether it is wrong, far be it for me to be the final word as far as that is concerned. But the fact still remains, there is a situation there. The administration must answer to the American people for what they have advocated.

I have taken my position as a matter of record and many others in the House have. I thought the Republicans in the special orders that they had handled today were very bias, they were unfair insofar as they did not allow the majority whip to respond at times. I guess that is a natural thing that occurs when one party holds the control of the time.

I wanted to make some remarks known at that time and I was not recognized.

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

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

Mr. HUNTER. I thank the gentleman for yielding.

I would take umbrage with the gentleman's statement——

Mr. GAYDOS. I do not want the gentleman to do that.

Mr. HUNTER. That the majority whip did not have the opportunity to respond. I saw him respond I think in

a very articulate way and I saw the majority and the minority proponents of the various positions getting together after the discussion on the floor and basically going over this problem.

I watched the discussion on the floor and the debate and the statements made by the gentleman from Michigan (Mr. SILJANDER) and I thought that his major point was very appropriate. And that is simply that the Syrians are presently looking at the U.S. Congress and they are looking at the resolution which is coming up very shortly and a number of Members on the Democrat side of the aisle who appear to want to leave Lebanon and the Syrians are deriving from this perception, I think, the basic attitude that they do not have to make any concessions in the negotiations that are going on right now, that if they simply sit and wait the U.S. Congress will take the Marines out of Lebanon without any concessions on their part.

I think it is obvious that if we look at Mr. Assad's position as recently articulated that that is exactly what he is doing.

Mr. GAYDOS. Well, I do not know how obvious it is, but it is obvious to me that the gentleman speaking now was not here when the gentleman from Pennsylvania (Mr. WALKER) was making his remarks, or the gentleman would not be talking that way.

Mr. HUNTER. I was speaking to Mr. SILJANDER's remarks. Those were the ones that I did see and I thought that he maintained the position very well.

Mr. GAYDOS. Well, the gentleman did not hear all the remarks. And I am primarily referring and I do refer to the gentleman's colleague who refused to yield to me. And if he were here I would refuse to yield to him. I am trying to give the gentleman the courtesy that he did not extend to me.

Let me say this to the gentleman since he brings it up. Again I want to emphasize, the administration has to answer for what it has done and advocated.

And I see this continual conspiracy on the part—strike that word—this continual effort on the part of the other party to continually defend the President. Sure they should do it. That is their right. But they do it in conjunction with trying to rap the Democratic Party with what I consider unfounded and undocumented accusations.

Let me give the gentleman an example of what I am talking about. The gentleman can go back—and I do not know how long the gentleman has been here—go back and read that RECORD as to what occurred when Mr. Carter had his problems. And I am not saying he was right or he was wrong. Go back and read the RECORD and then discern in your best judgment, for your own purposes, whether or not the accusers at that time and the critics at that time were fair to him as now being asked for fairness by Mr. WALKER, my good colleague from Pennsylvania.

□ 1450

I do not want to get into a debate one way or another because I do not think it is proper for me—I am not on that particular committee—but I take the position that it is very unfair to criticize the document which we know is a resolution and which, if a person reads it, we must conclude has not one vicious word in it. And that is a fact. Even if you took the normal nomenclature of any word contained in that document, there is not one vicious word in it; and to twist that around and say the Democrats are using this "vicious document," this resolution, as a highly critical document, I do not think is fair, and I think it has no justification.

Mr. HUNTER. Mr. Speaker, will the gentleman yield for just a minute?

Mr. GAYDOS. I again yield to the gentleman.

Mr. HUNTER. I appreciate the gentleman yielding.

Let us set a few things straight.

Mr. GAYDOS. Wait a minute. It is my time. Do you want to set me straight, or what?

Mr. HUNTER. Let us set a few facts straight.

Mr. GAYDOS. All right.

Mr. HUNTER. To start out with, you said the administration has to answer for our policy in Lebanon. We have been. The policy in Lebanon as presently exists is a policy that was approved by this House not too long ago. So it is a bipartisan policy. I think we cannot ignore the realism that in fact Lebanon is a political issue today and that it is going to be a political issue in the campaign and it is going to influence voters to vote one way or the other. You have to accept that reality. At this present time I think it is a real mistake for the Democratic Caucus or for the Republican Caucus to bring up in a nonbipartisan manner a position which is going to be interpreted by the Syrians——

Mr. GAYDOS. Let me respond to my good friend. It is my time.

Mr. HUNTER. If I could just continue my sentence.

Mr. GAYDOS. I refuse to yield any further.

Let me take one point seriatim with my good friend, and I am going to be nice to you and yield to you, like your people did not yield to me, but you are going to do it on my terms.

Mr. HUNTER. Will the gentleman allow me to finish my sentence before he takes my time away?

Mr. GAYDOS. No. I refuse to yield until I respond. If you want me to yield again, you are going to be a gentleman about it.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized.

Mr. GAYDOS. Let me just say this to the gentleman: The decision to put the Marines in place was not made in a bipartisan method here on the floor of this House. That was not the case. And no matter how many times he states it, it is not going to make it a truism. That was not the case. The President made that decision. I am not saying he was right or wrong. I am not treading in that area. I am just saying that when he made the decision, he made it. I did not make it and the House did not make it formally or informally.

If the gentleman has a misunderstanding of what occurred, I think he ought to retract his statement. That is a truism.

Mr. HUNTER. Will the gentleman yield?

Mr. GAYDOS. I will yield. And I am going to yield on one condition. Let us take one point at a time and just do not try to outtalk me. I yield to the gentleman.

Mr. HUNTER. I appreciate the gentleman's yielding.

Mr. GAYDOS. Be fair about it.

Mr. HUNTER. I would like to tell the gentleman that the only thing I asked for was the ability to finish my sentence, not necessarily to go on and on. Let us take the gentleman's point.

Mr. GAYDOS. I apologize if the gentleman is interpreting my interruption as being one that would prohibit him from concluding his thoughts. I do not want to do that. But let us take one point at a time.

Mr. HUNTER. OK, let us take one point at a time.

This House did vote to go along with the President's request to stay in Lebanon. So although we got into Lebanon—in fact, we came into Lebanon ostensibly under a much different policy than presently exists—the Congress did at least ratify the administration's request, and we did have a vote, and the leader of the Democratic Party did say that we should not be partisan in this issue. There have been votes on the floor of this House which have ratified the present existence of the marines in Lebanon under the War Powers Act. Now, that is a fact, is that not true?

Mr. GAYDOS. I am not questioning that at all. The only statement I made was that the original decision was the President's. I did not vote for that resolution. I do not know how you voted, but I did not vote for it. I want to make that fact a matter of record.

Mr. HUNTER. Understanding that, will the gentleman continue to yield?

Mr. GAYDOS. I will, if the gentleman responds seriatim point by point.

31-059 O-87-17 (Pt. 2)

Mr. HUNTER. I agree with the gentleman. That is exactly what I am doing.

My point was that our policy under which the marines are staying in Lebanon is a policy that was arrived at—and I am talking about not what got them there in the first place but the fact that they are staying in Lebanon—by a bipartisan action. We voted on the floor of this House to go along with that.

Mr. GAYDOS. Let me respond there. The President said, as a matter of public knowledge and formally on the record, that he was going to keep the troops there regardless of whether that original resolution was passed or not. He said that repeatedly. He made the decision. And he said they would continue there until he decided. In fact, that was what was so violently debated on the floor of this House, whether or not he was going to pull them out, whether or not the War Powers Act in any respect attached to the problem. And that was the administration's stated position publicly.

Mr. HUNTER. Will the gentleman continue to yield?

Mr. GAYDOS. Yes.

Mr. HUNTER. If the gentleman will continue to yield, I will say that if the gentleman thinks that the reason we voted to basically ratify the President's request to keep the marines in Lebanon was because he was going to do it anyway, I think the gentleman is not informed. This was a deliberate vote by this House to keep the marines in Lebanon and not to set a date certain for their removal. And that was a bipartisan action. I do not think the gentleman, by going back to the policy and the purpose for the President first inserting the marines, can alter that fact.

I thank the gentleman for giving me time to respond to his comments on the floor. I think he has made some excellent points. I think that the major point that all of Congress should remember is that the Syrians are watching what we do on this floor, and I would hope that our actions are not going to be interpreted as manifesting a lack of resolve for the United States to help establish an independent Lebanon.

I thank the gentleman for allowing me to speak on that issue.

Mr. GAYDOS. I think the gentleman makes points that are viable. But let me say this: I happen to have spent some time in the House, and I want the Record to show at this time that I see an unfolding of repetition of fact upon fact upon fact, as has been part of the record of the Vietnam conflict, everything, from beginning to end, how we got into the matter, how we sustained ourselves, how we could not pull out of it. And I am not even saying as a matter of record today whether or not I think it is right or wrong. I am just trying to reiterate for the Record that I see everything repeating itself.

For instance, there was a statement made recently, "Oh, we cannot get out, it is impossible. We are stuck in there. Look what would happen." The next statement: "Oh, the government is getting stronger. Gemayel and all of his people there, now we have got a couple more regiments we are training, and it is going to be all right, they are going to get together, they are going to be able to defend their country, democracy is going to prevail."

I do not know whether they are right or I am. All I know is that this reiteration has all of the facets and the criticism, the justification, all of it, all repeated. In the meantime, the casualties start all over again.

I am not even saying—I do not know, and I do not think I am in a position at this time, not having specific information—whether we are in there right or wrong. All I know is that I have a great fear that we are getting into an inextricable position, that we are thrust into someplace that we cannot get ourselves out of, and reasoning is not going to prevail, because all of these things were debated on all of these issues identically 10 to 12 years ago. I happened to be sitting here listening to them and experiencing the frustration at that time.

I had hoped my colleagues would be here. They had asked for a debate. It was a good debate, I imagine, but I thought it was unfair insofar as we did not have a fair share of the time. But I just hope that reason prevails, I hope that we do find ourselves out of the morass we are in.

I hear them talking about foreign trade, as to what other countries are doing for their self-interest and what we are not doing, and trying to be fair, trying to look at the needs, internal, domestic, international needs of the countries, and how trade should be a two-way street, which it is not, and then taking into consideration not only the trade issue but also our ability to participate in the Mideast in such a controversial situation. I think it is going to take probable minds and actions of great consequence to ultimately determine what is right and wrong. But probably the reason why I am just taking these few minutes at the end of these special remarks is that I am just trying to caution my colleagues. Let us make sure that we give this very thorough consideration and that we do not repeat some steps we have taken before and that we do not end up doing something that we originally did not intend to do.

There being no one else on the floor here willing to participate in that aspect, let me close my special order with this admonition as far as trade is concerned: We met today with Secretary Baldrige, with the Steel Caucus. We did not discuss things that were of utmost secrecy, but there were some exchanges of ideas that may have far-reaching implications. We talked about what our trade policy should be as far as developing and emerging nations are concerned and the overall problem that we have in this country involving steel and steel imports and the source of them.

□ 1500

We looked and we saw some peculiarities take place that we talked about today in the Steel Caucus executive committee that we exhaustively discussed and debated. For instance, Japan taking the position that Korea is taking undue advantage of the international trade arrangements and agreements, GATT, and is dumping in Japan and Korea steel illegally, improperly, under existing agreements. We looked at that and tried to fit it into our problem we have here with Brazil.

We tried to fit in the Caribbean Initiative where this country, I say foolishly but others say there are justifications for it, has said, "Look, we are going to allow the Caribbean nations, because of thier very critical economic situation, to ship into this country many, many different items tariff free.

We looked at the situation in Mexico, where Mexico under international agreements has no restraints because she is not a party to GATT and, therefore, the problems with her take on a nomenclature that are very, very specific and different than others and we are looking at the overall situation as it pertains to specialty and we looked at our projected future in this country as to the viability of the domestic steel industry not only in existing economic circles and reasons and purposes, but the defense of this country.

I have repeatedly stated an example that I think is unattackable: that when the Isreali forces lost the first day of the war years back and had something like 700 or 800 tank casualties, the first country they turned to was us and we had to deplete our National Guard. We had to take all of those tanks and rush them over there by airlift so that her defensive posture would be on what would be amenable to the situation.

What are we going to do if we do not make steel in this country? Who is going to supply that steel? What happens when we give away our tool steel industry and our specialty steel, titanium, and everything that implies, all types of specialty steel, where one buys it by the pound and not by the ton, which they use in afterburners and all of our war endeavors and sophisticated weaponry.

All that depends upon specialty steel and all the ramifications of it, then,

when you lose your industry. What do you do? Where do you look for the sources?

So those are things we talked about today. I am going to be taking special orders trying to explain, trying to justify, maybe at times, and hopefully trying to elucidate, for the benefit of my colleagues, what the problem is and trying to be fair, trying to be accurate, and hopefully, a self-serving declaration on my part, trying to be effective. That is what we are going to do. We are going to keep it up and be as persistent as we can, and I hope we are as persistent as my colleague, the gentleman from Texas, who has been so persistent on so many issues and has, in the long run, ultimately ended up accomplishing what he wanted to do in the first place.

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

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

Mr. GONZALEZ. I thank my distinguished colleague from Pennsylvania for yielding.

Mr. Speaker, I rise only to compliment the gentleman for the long, sustained effort. He has shared the loneliness of these hours with some of us, and I, for one, appreciate his leadership that has led to action. If what we have now are just some vestiges of the protection the American consumer, American industry, should have had, I think in large part it has been due to his efforts, his leadership, and that of his colleagues in the Steel Caucus.

I, for one, want to record the show that I am grateful for his leadership in keeping some of us informed who do not have the direct relationship and responsibility that the gentleman has and has so ably discharged.

Mr. GAYDOS. Mr. Speaker, because of my very personal and sincere association and also my concept and my description I have given on many occasions to my colleague from Texas, I really, sincerely, appreciate what he has said as a distinct compliment, one that I probably do not deserve, but I really appreciate that.

The gentleman does remind me that some affirmative action has occurred. We have had a Buy American, as far as the highway bill is concerned. It does mean some jobs have been saved. We did have a great debate involving the proposed northern pipeline vis-a-vis who would supply the pipe, the size pipe, and where and from, with Canada and other places. I would like to assume we have, hopefully, been instrumental in affecting or maybe influencing the fact that we do have right in place today on specialty steel some quotas. The administration has acquiesced.

It has been a lonely battle, my colleague does remind me. We have been ridiculed at times because even the area which I come from, which is very heavily unionized, has repeatedly refused to support the bill that I introduced here some 6 months ago that we call, not the Fair Steel Trade Act, but the reciprocity bill which in essence says we will do with other countries what they do with us. Our unions have repeatedly taken a position that that is not right; we should not interfere with international free trade. But now hopefully they are coming around.

But those are some of the frustrations we have had over the years.

Mr. BROWN of California. Mr. Speaker, will the gentleman yield?

Mr. GAYDOS. I now yield to a member of the caucus, one who has been so instrumental in helping us effect some of these changes, my good friend, the gentleman from California.

Mr. BROWN of California. I thank the distinguished gentleman from Pennsylvania for yielding to me.

Mr. Speaker, I am moved by the remarks of our friend, the gentleman from Texas, to add my own words to his in tribute to the leadership that the gentleman in the well has given on this very important issue through his leadership in the Steel Caucus.

I know that I have not been as faithful as he has either in my attendance or my diligence in pursuing these issues. Perhaps this is one of the reasons that we have lost the only steel mill in California, one which is in my district.

But the gentleman in the well has helped to focus the attention of the Congress on the great importance of this problem of our steel industry in this country, not only the specialty steel interests but all steel, and how vital this is to the future security and economic prosperity of this country.

I want the gentleman to know that I appreciate the work that he has done. It must compel us ultimately to take some action different from what we have been doing. We cannot allow this situation to continue, and I know that he will continue to work on it.

I just wanted to thank the gentleman for that and to pledge my continued support.

Mr. GAYDOS. I thank the gentleman. I want the record to show that the executive board member from California has supported the Steel Caucus financially, through his time, doing yeoman duty time and time again, taking from his other obligations and duties, his committee work, and participating in hearings that we have had with all types of personalities, with industry, international personalities. He was always there.

If the time the gentleman put in would have been rewarded by the number of industrial activities and factories working in his area, California would have been swamped. I say that without any reservation. California would have been swamped with the steel industry.

But we all know what happened in California. Because of the physical location, high shipping costs between California and the central part of this country and the East, and the proximity of the production and producers originating in the Far East, all this has contributed to the fact that a ton of steel lands in California cheaper than we can make it there. So even Houdini could not change that.

I also want the record to show that the Member from California who has just spoken was one of the most viable, influential and effective Members in that Steel Caucus, and many times, although he does not admit it at this point, we looked to him for leadership. I just happen to have been occupying the chair at the time. He has been a tiger, for want of a better descriptive term, in many of our endeavors and when we had our darkest moments.

Let me conclude by saying this: I do not know, I do not think the caucus knows, where we are going to go and what the ultimate results are going to be.

□ 1510

I do know that we have brought it down upon this question in the spotlight of enlightenment, and that we have people now participating in it. The record is very, very clear now that this is a problem touching all facets. Not only steel, but the same principles apply to anything you can envision in real life or that you know exists.

We talk about costume jewelry that we do not make in this country. We used to employ 20,000 people to make costume jewelry for all of our young ladies, and all of our costume jewelry, I think without exception, is now made overseas. Christmas tree lights and ornaments and things of that nature are all made overseas.

I am not saying that a country cannot survive because it does not make costume jewelry or it does not make Christmas tree lights, but I do say that if somebody wants to buy those things and you want to have your economy moving and be effective, people are going to have to work someplace, and everybody cannot work in the steel mills, because I say "There just ain't no more jobs there." So in order to earn that ability to purchase, they have to have jobs.

It is just like Johnny Dent used to say when he was here and used to lead this battle long before I came along. Johnny Dent used to go out there and speak to the china producers, and I even think at that time they paid him a terrific honorarium—$250. And Johnny would say—and he would bring the house down—"Let me tell you something, you go to Taiwan—and I love the Taiwanese—and you go to Japan, you go there and you visit, and

you buy from them china. How many times has a Chinese national or a Taiwanese national come and sat down in your restaurant and used that cup to drink a cup of tea? Very seldom."

So he would say, "Look, you can't sell to the whole world. You've got to buy from them. You've got to be fair."

He would always make this point. This is him speaking years back. He would say, "Today here we are, we don't even make such-and-such china, a cup of this or a cup of that."

That is just not good horsesense. It has always been the basic principle under the international free trade concept. It has always been the commonsense and the fundamental of it. It has always been that way, that you sell to the world what you make, what you can produce effectively and efficiently and competitively, and they should buy from you what you make.

But that is not the case today. The whole thing has changed. We have governments which are in business today. They subsidize. We have cartels, international cartels. They get together. We have the free enterprise concept here in this country competing with the governments of Japan, Korea, Taiwan, West Germany, England, Italy, Brazil—you name it—including Mexico.

For instance, let me give a good example. An American producer needs money for capitalization. He has to go down to the bank and pay around 13 percent interest, maybe 16 percent. Give or take a little, whatever it is, he is paying high interest.

If you want to produce something like that in other countries, because of their national policy, you go down to a consortium, you go down to NITI, you put an application in, and they arrange a bank loan for you. They make a determination that you are going to be producing something that somebody else is already producing, and they set it all out for you.

That is real nice. But when it comes to competition, this Government says to our people, "You can't have two people producing. Antitrust says two people can't get together."

Like United States Steel wanted to get together and agree to buy its slabs from Bethlehem so it could keep its finishing part going down there outside of Philadelphia at the Fairless Works—well, they cannot do that in this country. You go to other countries, and they work together, hand-in-hand, glove-in-glove. It is that old fist we are talking about, the velvety glove, and it fits.

That is unfair competition. I could go on and give example after example after example. Who could in their wildest dreams ever have imagined that some country could produce—and I will give a good example—where we have like modern facilities? Our stainless steel capacity in this country is the most modern in the world. It is admitted in international circles that the most modern, up-to-date stainless steel production capacity right now rests in this country. It is phenomenal, but that is what happened.

Now, on steel, we had to give them protection. Why? Because of that old criticism that "you have antiquated production facilities and that is why you can't compete." That is a bunch of baloney. There we have it. They could not compete, because they made it and they are making it in my district and in other districts. Allegheny Ludlum is one of them. It is the most modern.

We had to give them protection, and the protections are in place today. Why do we have to do it, even with the most modern steel production? Because Sweden, West Germany, Brazil, and all these other countries start dumping on them and selling below cost.

This is not me talking; it is a matter of record found by the International Trade Commission.

Now, our country and our industries cannot compete, and we are not going to be able to compete under those conditions. We have been asking for years—and my good friend, the gentleman from California, knows this—asking for years, give us a U.S. national policy. Give us some direction over here. Let our bankers make arrangements with steel to give them reasonable interest rates, if that is the case. Let them participate on an equal competitive footing with foreign countries. Let us not always bring antitrust suits against them. Let us not always provide a forum whereby our people are asked to pay these high rates while other countries are encouraged and financed by their governments' participation.

I can go on and on and on with example after example. I just want to say this for the record: In this country more than half of our shoes are imports. Whether they come from Taiwan, Hong Kong, Italy, or France, over half of them are imports. That might be good or that might be bad, but the fact remains that that is not the only item. I can go down to the textile people, I can go down to the television industry, I can go down and cite each individual industry.

I say if we do not do something, if we do not have a national steel policy, if we do not get a reasonable interpretation, an application of the pertinent international trade sanctions, with GATT and all of its ramifications and international trade agreements, formal and informal, if we do not do these things, we are in for some very serious trouble. Economic trouble is going to then take place and be part of our internal military lack of capability, our military problems, with the commitments we have throughout the world.

Like John Dent used to say—and I am going to close with this little ditty of his—he used to say repeatedly, "You know, we can't live in this country if I wash your underwear and you turn around and wash my underwear because none of us are going to have any money to pay anybody."

So we have to have a diversification, we have to have a healthy international situation, and that is what we are striving to do. Whether we are successful is going to depend on our ability to enlighten and educate our colleagues. It is going to depend upon the ability of an enlightened administration, and internationally, in the worldwide family of nations, hopefully and ultimately, we are going to get a real good workable international agreement, GATT, and make it work. Hopefully we can work that out. I am a free trader, and I think all of us are. It is just a matter of how we arrive at it.

Mr. Speaker, I want to thank my colleagues for participating, and I apologize for taking the time because I know my colleagues also anxiously want to make their points.

BORROWING OUR CHILDREN'S FUTURE

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, the Congress is now considering a topic of extreme importance to our children and grandchildren—the Federal deficit. I am concerned that we are short-changing the children of America by borrowing against the future. If the deficit is not reduced, our children will be burdened with a heavy load of our making.

Three years ago, the national debt was approximately $740 billion. By 1983, however, the national debt totaled $1.3 trillion. By 1989, the national debt is projected to exceed $2.1 trillion. This is no way to plan for America's future. We must build our country's future on a solid foundation.

But a foundation cannot be built on a mountain of debts. We all hope to leave our grandchildren a valuable legacy when we die. If the current Federal spending level is maintained, we will leave nothing but debts to pay. The share of the national debt for each of the 63.4 million children under 18 in the United States today totals $20,400. At the average interest rate of 10.4 percent on the national debt, the annual interest on that debt is over $2,100. In 1989, the share of the debt for each child will total $32,900.

The Federal deficit is large and grows larger every day. We must start to control it, or it will control our children and our grandchildren. We borrow today, but they must pay to-

morrow. Because of us, they will suffer.

The Reagan administration has promised to take action to lower the Federal deficit. I am appalled that the President has failed to make any effort to reduce the already huge Federal deficit. What will our children do if no action is taken on the deficit now? While President Reagan has spoken openly about the need to reduce Government spending, this budget proposes a deficit of $193 billion for next year—an increase of $10 billion from the borrowing estimate for fiscal year 1984. The President's own advisers have warned that if the deficit is not reduced more than currently proposed, high inflation and interest rates will mark our future economy.

The President apparently did not follow his advisers' recommendations. The budget proposal does not contain a constructive plan to lower the deficit. The cuts Reagan promised have not materialized. This strategy saddles our children with the bill for our irresponsibility. And I am afraid our children might not be able to pay.

Deficit figures have real meaning for our grandchildren. We might not live long enough to see the next generation deal with the deficit problem—but we can bet that they will struggle. It has been estimated that in the coming 6 years the national debt will increase by $1.3 trillion. That figure is too large to sufficiently grasp, but its effect cannot be ignored. It means that we will increase the burden on our children by $12,500 in the next 6 years. We are borrowing, not from ourselves, but from them.

If we do not solve the deficit problem, our current recovery will be stopped even as it is about to begin. I urge my colleagues to carefully examine the budget to determine how best to decrease the deficit, for we must do so. Not for our sake. For our children's sake.●

UPDATE ON SITUATION IN THE AIRLINE INDUSTRY

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, last December 14 during the break at home I had occasion to meet with several representatives of the airline pilots formerly employed by Continental Airlines, out on strike at the time, and they continue to be so striking.

That was one of the most pathetic and sad meetings I ever had the responsibility of attending. It was open to the press. This so emotionalized these pilots that they wrote out a statement in which it said they were thanking me for just meeting with them.

Incidentally, none of them is a constituent. So the politics of the situation I think can be truthfully be sort of minimal.

Among other things they identified themselves as Capt. John Gonzales, no relative of mine. His name is spelled with an "s" at the end. Also first Officer Dan James, Capt. Roger Lininger, and Capt. Ray Tschirhart. Every one of these gentleman is what everybody else would call conservative; they all supported Ronald Reagan for election and have learned the hard way what I think all through history free citizens have to learn over and over, the lesson that freedom is never won permanently. No country assures it, no matter how wonderful the institutions are that it may have, such as ours. It is something that each generation has to win in its own way.

Following the demise of the Braniff Corp. which had a lot more activity in and out of my district than Continental had had, and which also involved more employees in my immediate area of representation, but again none of those affected in San Antonio, and those in the case of Braniff amounted to about 200 employees; none was in my district. They all lived in those districts represented by other colleagues.

Frankly, at one time the district I had the honor of representing, the 20th, consisted on the entire county. So I have had experience in representing the entire configuration of Bexar County, with all of its cosmopolitan and pluralistic aspects. This is often forgotten today.

So that many, of the residents of those areas consider themselves still in the 20th District. And for whatever reason,they feel they have access to the 20th District.

In the case of Braniff, I am convinced that no Nation, no society that permits to happen what did happen to those hapless employees, from airline pilots to flight attendants to mechanics to airline attendants at the desks at an airport, they were left stranded one morning. They received a call and were told no matter whether they were a mechanic working at a hangar, or a pilot awaiting to depart in London or a flight attendant rushing to her duties, or anybody else in the employment of Braniff, they were told at 10 a.m. one day, and it will be 2 years this summer, that they had no job and that they might as well go home and that the paycheck due them that day, maybe, they would receive sometime in the future.

Now, some never got it. They were employees whom I have gotten to know because in the 22 years and 1 month now that I have been in this congress I have kept my base at home and I have attempted to go back every weekend when we are in session.

So that means that I have put in better than 8,500,000 miles just between here and my district in San Antonio. So I have known pilots who are now retired, some who have passed on; I have known engineers; I have known flight attendants who have formed families; and I am intimately familiar with the problems of those employees and the aspects of modern-day American air travel which I think is a glory of the world today, despite its deterioration under so-called deregulation, which has given rise to these things that I am bringing to the attention of the Congress.

The Braniff experience was something that was quite traumatic to me. I thought those practices had died with the robber barons of the last century or at the turn of the century, or before the depression. But I never dreamed that they would happen in our day and time with all the anguish, the injustice still reeking and spilling over in our society, maybe not perceptive to the overwhelming preponderant number of Americans but one by one, one segment following another.

At that time, the Braniff case, it was everybody that was in an employee capacity. The laws? The laws are not shaped for working folks. The Congress still does not respond to working folks. It is so hard to defend the interests of the average working man, in fact impossible. If you are talking about an $8 billion bill for IMF, well, that zooms by. But if you are talking about revising the bankruptcy laws so that what is happening to these pilots, helplessly trying to protest in the case of Continental Airlines, and several other corporations who fiendishly, and their lawyers discovered these loopholes in the bankruptcy law, whereby an airline corporation like Continental is declared bankrupt while it has over $50 million in the till.

□ 1550

So that we have the ludicrous situation of having a corporation declare itself bankrupt, but not broke. But for only one single-minded purpose and that is to cheat the worker, to rob the wage earner of his wage. That I say is intolerable in any society under any form of government, capitalistic, socialistic, communistic, no society will long endure with those injustices. Yes, there are ripples now, a ripple barely perceptible, but let me remind my colleagues that all momentous events in every time in history, in every land, in every country, going back as long as man has written history, no society long stands with those manifest injustices going unaddressed and unredressed, as the Continental pilots now are facing injustice and suffering intolerable situations. They do not have limitless ability to remain alive and well in our structured society, fighting a tremendous corporate array, a corporation that uses these laws in order to

twist them to the detriment of the worker, their profit.

We live in a period of time in which the conjunction of events, you have our three great organs of government, under the Constitution and our tradition, coequal, separate and supposedly independent. I think the recent talk they called debate about the Lebanon situation, before that Vietnam, before that Korea, should tell us whether this the first branch under the Constitution is in effect independent and coequal, but has not been now reduced to secondary meaningless, frustrating activities and speechifying such as in those legislatures construed in the Republics of France that went under and in times of crisis could not rise were not responsive to the people's needs. And those critical junctions even in our own mother country that gave us the institutions that we enjoy.

In every country the record is identical. And in every land even today no matter what form of government, even in the most authoritative, the only danger the modern totalitarian states have hit as to an upheaval as some are facing now in what we consider to be obliterative self-contained authoritative despotic societies, let me assure my colleagues that even there the injustice perpetrated on the great masses of working men and women are beginning to shake those regimes, whether it is China or whether it is Russia.

But I address myself to you and to me because we are talking about our country and our boasted freedom that still permits these injustices, grievous injustices.

Here is an all-American father, exemplary family man, worked now with Braniff since he was discharged from the Air Force in San Antonio. What happened to him? I happen to know the family well because I would always see him at the counter. As a matter of fact, I was using Braniff before he was hired.

But I had occasion to be invited to some blue and gold ceremonies for the Cub Scouts. I identify greatly with the movement and have for years. And his two boys of this particular American—and I am not talking about an ethnic minority or anything like that, I am talking about a plain average good, solid all-American family and head of family. Met his two boys. And then he gets the call.

So what has happened in the interim? Still looking for a job. Braniff has announced, thanks to the Hotel Corp. that has taken over with some financial combination, that they are going to renew some flight service, perhaps on March 1. But it is so fragmentary that everyone of these individuals who have yet to line up a full-time other than marginal job are hopeful that maybe they will be one of the few that might go back to work.

But in the meanwhile, what has happened to that family? Well, the father has had to take the jobs that he can get. Moonlighting here, moonlighting there, driving a truck for a bakery, submarginally employed. Compelling the mother of these very wonderful children to go out to work, also submarginally employed in the economy that San Antonio offers. In order to do what? To keep their home, keep the roof over their head. His unemployment compensation did not last that long.

I say that if this is what we call free enterprise then I do not want to know what free enterprise is. It might be private enterprise, but it certainly is not free enterprise. And if free enterprise can say that in order for it to be called free enterprise it has to do these things, it has to cheat its workers, it has to abandon with no conscience whatsoever entire families, then I say that is not what I want to be. And I do not care what anybody makes of that. If that be treason, make the most of it.

After all, I see a constant mixture of words. Mix free enterprise with private enterprise. Let me remind my colleagues Mussolini and Hitler had private enterprise until the day they died. You tell me they had free enterprise. But it was private.

So I say that with respect to the Braniff employees. Then comes Continental and in a most heinous way. But both airlines down and out for the same reason and that is that the men in power, greedy by nature, demanding and thinking they could compete for more power against the real heavies in the industry, once the cop was taken off the corner, then it was like throwing a flyweight in the ring with a heavyweight. You do not have to be a prophet to know what is going to happen. And that is what has happened. And the greed of it all.

In a bankruptcy proceeding, section 11, you have reorganization. For the first time in such a case Continental stock, after the reorganization was announced, went up 25 percent. The President, who is more interested in manipulating stock deals, in trying to speculate, not manage and administer an airline, more interested in those quicky deals, these so-called merger deals, these so-called speculative efforts in stocks, himself with a dire conflict of interest as president of Continental and as the head and one of the principal owners of a sort of a dummy corporation he set up in New York and then the interplay of his stock interests.

Well, if we had a Justice Department that might remotely think it had a responsibility, which is too much to expect under this administration, that clearly has indicated what it protects. And it is this kind of tactic that it accepts. And it has wrecked all the antitrust administration in the Justice Department. There is no such thing anymore in our country.

So there again as in the case of other activites which I have expounded on on this floor, the average American is stripped naked of any protection that our whole apparatus of government has been constructed and intended to be there for his protection. And I speak here without exempting the Congress because this is an integral part of our Government.

□ 1600

And we have abandoned those who need the Government the most in favor of their exploiters, what Franklin Roosevelt called those malefactors of great wealth.

The airlines pilots thanked me. As they said: "Thank you and your good offices for being instrumental in assisting us in this conference"—meaning that for the first time it attracted some news coverage where their plight would at least be reported.

Anytime I see a man such as Capt. Ray Tschirhart on a picket line, my friends, that is the time I know we have reached a great period of upheaval. Ray Tschirhart, why, his family name is a historical household name in my area. I grew up with that nucleus of families that were descendents of the German colonizers of 140, 150 years ago that brought into that area the first scientists, the first great scientific cultivators, the first biologists, and great, great wealth to the communities. You do not get a man like Capt. Ray Tschirhart to take the picket sign unless there has been great commotion and great injustice. And I say that we have a heavy responsibility—I think it has been announced that maybe we will have the so-called amendments to the Bankruptcy Act—if we do not plug those heinous loopholes that so fiendishly have been taken advantage by these lawyers and these greedy speculators, heedless of any human prior need. Then we are equally remiss. I would like to say, for one, that I am reexamining the whole issue of employment security in industries that are undergoing structural changes. That is one reason why I did not vote for these so-called regulatory bills.

I also offer at this point in the RECORD the remarks I made on the occasion of my meeting with the gentlemen, followed by a letter I then addressed to the chairman of the Committee on the Judiciary, the Honorable PETER RODINO, and also a copy of the remarks then presented to me by the airline pilots representing the association, Capt. John Gonzales, First Officer Dan James, Capt. Roger Lininger, and Capt. Ray Tschirhart, and also a copy of the release made by the

Continental pilots on December 15, 1983, in Houston, Tex.:

STATEMENT OF U.S. REPRESENTATIVE HENRY B. GONZALEZ, DECEMBER 14, 1983

I am very concerned about the novel ways that bankruptcy laws are now being used to avoid clear legal obligations, and specifically concerned about how bankruptcy is being used to break valid labor contracts, thereby frustrating the law and seriously undermining the ability of American employees to bargain in good faith and ensure that employment contracts are lived up to.

One way that the bankruptcy law is being used to avoid legal obligations is illustrated by the Manville case. In this situation, we have a perfectly healthy company, and two similar companies, taking bankruptcy in order to stop liability suits against them. These companies, all in the asbestos business, are in no financial danger; they are using the bankruptcy law as a protective device, to try and guarantee that they don't have to face liability for damages suffered by people who have been exposed to asbestos. This type of bankruptcy filing is already known as a protective bankruptcy, and what it represents is not the use of the bankruptcy law as a means to permit a troubled company to reorganize financially, but instead the use of the law as a means to escape legal responsibility for past conduct.

The bankruptcy law is also being commonly used to destroy labor agreements. In fact, companies that want to cut wages, or companies that want to avoid wage increases are routinely threatening to take bankruptcy rather than run the risk of a strike or bargain in good faith. In other cases, companies with labor contracts that they do not want to honor are simply filing bankruptcy and declaring agreements null and void. There are a number of these cases, most outstanding of which is Continental Airlines.

The present law is not clear on when a company can use bankruptcy to kill a labor agreement. Because the law is not clear, Congress needs to establish a policy on the question of when and under what conditions a bankrupt can abrogate a labor contract.

I have written a letter to the Chairman of the Judiciary Committee, requesting that an urgent review of the bankruptcy law be made, and that Congress establish standards regarding the conditions under which a labor contract can be modified or abrogated in a bankruptcy proceeding. The need is clear.

Earlier this year, the country's largest processor of pork, Wilson Foods, declared bankruptcy in order to cut labor costs. The company's employee union renegotiated its contract, with the result that pay was cut about 25 percent. The alternative was to let the bankruptcy continue and take a cut of 40 percent.

The San Jose, California, school district, took bankruptcy in order to avoid making full payment to its teachers, after losing an arbitration decision.

In a case now before the Supreme Court, a New Jersey firm tried to use bankruptcy to cancel a labor agreement.

By far the biggest and most blatant case, however, is Continental Airlines.

In 1982, Continental's pilots signed an agreement with the company that represented a $100 million giveback. But Continental continued to lose money, and last summer the company demanded an additional $150 million in labor savings from its employees. Of that amount, the company wanted the pilots to give up $60 million and the flight attendants $40 million. When the negotiations didn't move fast enough, Continental filed for bankruptcy, cut its operations back to about one-third, of the former level, and cut employee pay by 50 percent. There is no question that Continental was having problems; but as the recent and successful negotiations that Eastern Airlines had with its employees show, it could have resolved those problems without using bankruptcy as a bludgeon.

Continental's employees were, in fact, willing to negotiate labor saving agreements. Before the bankruptcy, the flight attendants had offered a package that came very close to meeting the dollar savings that the company wanted. The pilots had earlier demonstrated their good faith by taking huge givebacks in the previous year, and were willing to do so again. But the company clearly wanted to get out of any agreement whatever, and convert itself to a nonunion carrier. Therefore it used bankruptcy to destroy contracts, avoid negotiation, and generally evade its responsibilities to the majority of cities it served, as well as the public that was left with millions of dollars worth of useless tickets.

When should a company be able to use bankruptcy to modify a labor agreement?

The courts are in disagreement, and there is in the current term of the Supreme Court a case pending that may partially resolve the question.

One lower court has said that an employer in bankruptcy can cancel labor agreements merely by showing that the contracts are burdensome. But that is something like saying that a bankrupt can avoid payment of debts merely because they are burdensome, without regard to the real ability to pay. Another court says that a bankrupt should be able to cancel a labor agreement only if that is the only way to prevent collapse of the business. And in arguments before the Supreme Court, the government says that there should be some requirement for good faith negotiation, between the bankrupt and the employees.

I don't believe this question of fundamental policy should be left completely to the courts. Congress has a responsibility.

In my letter to Chairman Rodino, I suggest that the standard ought to be this: a bankrupt employer could modify labor agreements, only if that was the only way to avoid collapse, and then only if there were good faith negotiations. Otherwise, there is not a labor agreement in existence that is worth the paper it is written on. Furthermore, there would be a widespread use of bankruptcy to avoid even good faith bargaining.

But more needs to be done.

The Federal bankruptcy statute should be amended to require that airlines pay off ticketholders before they can obtain bankruptcy shelter. In the case of Continental, a company with $50 million in the bank was able to leave passengers with millions of dollars worth of tickets stranded, and with little or no hope of ever getting their money back. If airlines like Continental and Braniff had been required to honor their obligations to passengers, bankruptcy might have been a far less attractive deal for them. Therefore, I am supporting a bill (H.R. 4558) that would require airlines to pay off their ticketholders before being able to lock up their cash holdings from creditors. This bill was introduced by my colleague from Colorado, Pat Schroeder, and it represents one way of insuring that the general public has some reasonable protection against bankruptcy artists.

Finally, I am reexamining the whole issue of employment security in industries that are undergoing structural changes.

Airline employees are supposed to have some protection against the adverse effects of deregulation; if they are displaced, they are supposed to get preferential hiring rights at other airlines. If they are affected by a big shrinkage of their company, they are supposed to get cash benefits—as provided in the 1978 Deregulation Act. But those benefits have never been effectively available, and in fact, the Civil Aeronautics Board is only now beginning to consider the applications for help by Braniff employees who have been grounded since May, 1982.

It is not just airline employees who are caught in a bind. Bus drivers and truck drivers face large pay cuts and vast layoffs as competition heats up in those lines of business.

There are almost 31,000 interstate truck lines today, which is a 70 per cent increase just since 1980. One result is that freight costs are lower today, but another result is that about a third of the unionized drivers have been laid off.

Throughout the transportation business, we have more people working, but working for less and less. In the short run, this may create some lower prices for some people, but in the long run, we face the threat that only the big hubs of the nation will get adequate service (because that's where the high volume is) while the rest of the country has little service at high prices. Another problem is that we may end up with a handful of supercarriers—as is happening in the rail business—with the result that the public will pay whatever the big carriers demand. In short, we have to look at this business of deregulation from more than a short-run, self-interest view. We have to look at whether ultimately we are going to have the same kind of good service we get today, at reasonable costs, or whether we will get less and less service for more and more. Anyone who has seen what is happening in the rail business will testify what happens to captive shippers. What we need to ask ourselves today is not whether it's just the employees of transportation companies who are being nailed to the wall; we have to look ahead and see whether or not we are the next victims. If the rail experience is any lesson, we—the general public—will be the next victims.

It may be tempting to say that the concerns of Continental's employees are no business of ours. But the harsh fact of the matter is that unless we think and act carefully, it will be the general public that next feels the bit.

HOUSE OF REPRESENTATIVES,
Washington, D.C., December 9, 1983.

Hon. PETER RODINO,
Chairman, Committee on Judiciary, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: I know of your great and abiding concern about the need to restructure the Bankruptcy Courts, so that the authority of these courts can be clarified. Urgent as that task is, however, there is also a need to review some of the novel ways in which large corporate interests are seeking to apply bankruptcy statutes. In some of these instances, while the law is not clear, the abusive intent of the applicants is. I refer specifically to the growing use of so-called protective bankruptcy filings: situations in which companies in good financial health use bankruptcy to frustrate legal

claims or enforce unilateral actions in violation of contractual obligations.

One outstanding example, still in litigation, is the Manville case, in which a company with vast financial resources and robust business health has filed for bankruptcy as a means of cutting off claims against the company arising from exposure to asbestos. Surely, there is no threat to the company except potential claims. I would question whether the law was ever intended to be used as a protective shelter against valid claims. Surely the use of bankruptcy to estop legal liability represents a novel, potentially abusive application of the bankruptcy statutes.

I am likewise gravely concerned about the use of bankruptcy statutes as a way to abrogate valid labor contracts. One such case, *National Labor Relations Board* v. *Bildisco and Bildisco*, is pending before the Supreme Court in the current term. Two other situations, Wilson Foods and Continental Airlines, however, suggest that there is a broad trend toward companies employing bankruptcy filings as an ultimate weapon against contracts that they deem inconvenient or burdensome, without regard to the fact that such contracts were voluntarily entered into, or for that matter might have represented substantial concessions by the unions concerned.

The *Bildisco* matter may dispose, at least in part, of the question of when a company may abrogate its union contracts as part of a bankruptcy matter. In that case, decisions below suggest that a contract can be abrogated only as a last resort.

Contrary decisions suggest that contracts can be effectively cancelled if they are merely burdensome. But lower court decisions do not speak to the question of whether an employer is obliged to negotiate in good faith, so that employees can maintain some shred of bargaining rights.

Although some would suggest that Congress should not legislate on these issues, it seems to me that we have a clear obligation to review the question of when and under what circumstances labor contracts can be killed through resort to bankruptcy. Nothing makes the urgency of this matter so clear as the Continental Airlines case, now pending.

Continental had a valid contract with its pilots and cabin attendants. The pilots' contract included $100 million in concessions to the company. However, Continental continued experiencing losses, and demanded huge new concessions, amounting to $60 million from pilots and $40 million from cabin attendants. There is little evidence that either the pilots or cabin attendants were unwilling to make substantial concessions. The cabin attendants, for example, made an offer that represented between $35 and $43 million worth of concessions. It appears that had the company been willing to negotiate in good faith, it could have obtained the relief it needed to stay in business. However, Continental elected to file for bankruptcy, immediately slashed its route system substantially, and cut pay by about half. The company chairman thereafter said that his cost cutting goals had not only been met, but exceeded, by filing for bankruptcy.

There can be no question that Continental was facing serious financial problems. Yet the company had resources to stay in business for a considerable period of time. In discussing his demands with employees, the company chairman declared that he must either have agreement with his wage and work rule changes, or that he would take steps to preserve the company's assets. Though his statement to employees did not say so, it is clear in retrospect that he already had bankruptcy in mind, as the sure way to allow unilateral action.

The Railway Labor Act applies to the Continental case. It specifies when and in what manner the terms and conditions of employment may be changed. Though Continental has made gestures toward following that statute, it is absolutely clear that every principle of employment contracting and employee bargaining has been violated by the company.

The question for Congress is when and under what conditions companies can use bankruptcy to avoid clear legal obligations. If Continental succeeds, there is not a labor contract in the country that could be said to be worth the paper it is written on. Indeed, if the courts hold, in *Bildisco*, that a contract need only be burdensome to qualify for abrogation in a bankruptcy, the way would be clear for any company to repeal contracts without regard to the actual ability of the enterprise to support such agreements. Moreover, in the case of Continental, court approval of that filing would signal that no company, even one in relatively good financial health, need ever bargain in good faith. I do not believe an issue as fundamental as the right of effective collective bargaining, and the enforceability of good faith contracts, should be left wholly to the courts for settlement. It is a matter that requires legislative clarification.

Even though I know that you would prefer not to alter the bankruptcy statutes until legislation has been enacted with respect to the structure of the bankruptcy courts, I believe that the issue of so-called protective bankruptcy is so broad, and its implications so enormous, that consideration should be given to amending the law in order to provide clear protection to the public from corporate raiders who would use the bankruptcy laws to avoid their plain obligations, or to frustrate the rights of employees to bargain in good faith and obtain contracts that are enforceable.

I would respectfully suggest that your committee undertake an urgent review of the phenomenon of so-called protective bankruptcy, with a view toward preventing abuse of the bankruptcy laws.

For example, I do not believe that Congress ever intended that a bankruptcy filing could be used not only to abrogate existing labor contracts, but vitiate the laws pertaining to collective bargaining. It seems to me that the only time bankruptcy should be available as a way to vitiate labor contracts would be in situations where the company is clearly going to fail unless agreements are changed. Even in such cases, there should be some standard for consultation and negotiation. The danger is that unless Congress acts, the meaning of the law will be unclear for years to come—during which time there would be growing confusion and chaos regarding the right of employees to bargain effectively, and to have their contracts honored. Surely Congress cannot stand idly while bankruptcy laws are used as a bludgeon against all previously written laws.

I hope and urge that the committee undertake an immediate review of the so-called protective bankruptcy phenomenon, with a view toward preventing the abuse of bankruptcy laws in ways that frustrate those with valid legal claims against a company, or in ways that permit the wholesale negation of collective bargaining and contract rights.

Sincerely,

HENRY B. GONZALEZ,
Member of Congress.

CONGRESSMAN GONZALEZ: The Airlines Pilots Association, of 34,000 members, Capt. John Gonzales, first officer Dan James, Capt. Roger Liniger, and myself, Capt. Ray Tschirhart would like to call special attention and thanks to you and your good offices for being instrumental in assisting us in this news conference.

As you know Continental Airlines filed for chapter 11 under the Federal Bankruptcy Code on September 24, 1983. What is generally unknown is why this was done, other than the thinly veiled explanation of the corporate president who is intent on violating the National Labor Relations Act: The Federal Railway Act, the agreements with his employees, and even abusing the intent of Congress which enacted all three pieces of legislation.

After being granted protection from its creditors under the Bankruptcy Code they reopened their doors three days later calling itself the New Continental Airlines. Having voided employee contracts, withheld September paychecks for work already completed, issued worthless paychecks for August, canceled employee health insurance, suspended retirement plans, and many other basic benefits, the new company resumed operations with the same management, the same aircraft, and same airport slots, the same headquarters, and $50 million cash in hand.

The only new wrinkle at Continental was a devilishly contrived plan to recruit new pilots and flight attendants who were asked to work for only half of the normal wages paid by most of the nation's airlines. all of this came about after a quote from Mr. Stephen Wolf, then president of Continental, who cited last year's negotiations of the pilot agreement as "one of the most unusual negotiations between labor and management in any industry." A contract which eliminated pay raises of 10 percent in October of 1981, 5 percent in April 1982, and 5 percent in October of 1983. A total of 193 pilots were furloughed to improve productivity, and the pilots group forfeited its contribution to the pension fund, saving the company a great deal of money for a 1 year period". Today our pilots are the most productive of any in the industry. Obviously Mr. Wolf did not agree with or could not condone the false bankruptcy filing and the restarting of the New Continential Airlines and refused to squeeze through the alleged loop holes the lawyers think they have found in the Federal Bankruptcy Code.

Besides the employees, stockholders, and many creditors there is a group of victims for whom no one speaks. They are thousands of consumers who purchased Continental tickets with their cash, and then had their investment rendered worthless by virtue of the bankruptcy. The injustice is redoubled because the Bankruptcy Court recently released $40 million to Continental to help finance its operations. Meanwhile, those who purchased Continental tickets by cash or check have not been repaid one cent of the $28 million they are owed, while Continental continues to operate on money from worthless tickets they have sold and refuse to refund.

It must be recognized that there is a danger in making reorganization in bankruptcy too attractive to airline executives.

There is evidence that management may be using bankruptcy laws to solve business problems such as unwanted employee agreements. The example of the Continental Airlines bankruptcy is all too clear and a public awareness to this will be a beginning step to a disincentive to such abuses of employees, creditors and consumers alike.

CONTINENTAL PILOTS WARN CONSUMERS: THINK TWICE BEFORE FLYING THE "NEW CONTINENTAL"

HOUSTON, TEX.—The Continental Airline Pilot's Association today warned the flying public to think twice before flying the "New Continental Airlines" over the Christmas holiday season.

At a press conference in Houston with Congressman Gonzalez the pilots charged the "New Continental" with violating consumer rights and jeopardizing the safe operation of the airline since filing for reorganization under Chapter 11 of the Federal Bankruptcy Law.

In making the charges, Dennis Higgins, chairman of the Houston based Continental pilots, said that thousands of passengers across the country have lost millions of dollars of holding Continental tickets that became worthless when the airline declared bankruptcy on September 24th.

Capt. Higgins noted that although the airline continues to operate under the name the "New Continental", these consumers have been forced to file claims with the bankruptcy court to recover their money, and that it could be months, if not years, before they receive refunds.

Higgins also cited a number of alleged safety violations that have occurred on the "New Continental" since reorganization, including the recent incident in Denver where a rookie captain landed on an active taxiway instead of the runway. Higgins questioned whether the "New Continental" is a safe airline and told passengers to know "all the facts" before choosing to fly the "New Continental" at Christmas.

Capt. Higgins also announced support for Congressman Gonzalez efforts to correct the problems of the Continental bankruptcy and to protect the consumer. Higgins said that Congressman Gonzalez efforts to correct this country's bankruptcy laws would go a long way toward preventing the consumer abuses and safety violations * * * on Congress to give the issue immediate attention upon returning in January.

"The "New Continental" has given the entire aviation industry a black eye," Capt. Higgins said. "It's operations are chaotic and unsafe, its abuse of the airline consumer is inexcusable."

Finally, Capt. Higgins announced that Continental Pilots will be available at Houston International Airport during the peak holiday travel days to assist any consumers who might be bumped from "New Continental" flights or otherwise inconvenienced.

I say, Mr. Speaker, woe to those that cheat the laborer of his hire. Woe to us if we turn our backs to the least in favor of the powerful, the rich, and the influential.

CONFERENCE REPORT ON S. 1340

Mr. PERKINS submitted the following conference report and statement on the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 98-595)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes.

That the Senate recede from its disagreement to the Amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following:

That this Act may be cited as the "Rehabilitation Amendments of 1984".

TITLE I—REHABILITATION PROGRAM

DEFINITIONS

SEC. 101. Section 7(12) of the Rehabilitation Act of 1973 (hereafter in this title referred to as "the Act") is amended by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education".

REPORTS

SEC. 102. (a) Section 13 of the Act is amended by adding after the first sentence the following: "The Commissioner shall annually collect information on each client whose case is closed out in the preceding fiscal year and include the information in the report required by this section. The information shall set forth a complete count of such cases in a manner permitting the greatest possible cross-classification of data. The data elements shall include, but not be limited to, age, sex, race, ethnicity, education, type of disability, severity of disability, key rehabilitation process dates, earnings at time of entry into program and at closure, work status, occupation, cost of case services, types of services provided, types of facilities or agencies which furnished services and whether each such facility or agency is public or private, and reasons for closure. The Commissioner shall take whatever action is necessary to assure that the identity of each client for which information is supplied under this subsection is confidential.".

(b) The last sentence of section 13 is amended by inserting "also" after "shall".

EVALUATION

SEC. 103. Section 14(a) of the Act is amended by adding after the first sentence the following new sentence: "The Secretary shall establish and use standards for the evaluations required by this subsection. The standards shall, to the extent feasible, for all appropriate programs include standards relating to the increases in employment and earnings taking into account economic factors in the area to be served by the program and the characteristics of the handicapped individuals to be served.".

ADMINISTRATIVE AMENDMENTS

SEC. 104. (a)(1) Section 15(b) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(2) Section 101(a)(11) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Health and Human Services".

(3) Section 102(d)(2) of the Act is amended by striking out "Department of Health, Education, and Welfare" and inserting in lieu thereof "Department of Education".

(4) Section 202(i)(2) of the Act is amended by striking out "Bureau of Education for the Handicapped" and inserting in lieu thereof "Office of Special Education and Rehabilitation Services".

(5) Section 204(b)(7) of the Act is amended by striking out "Office of Education" and inserting in lieu thereof "Department of Health and Human Services".

(b)(1) Section 202(g) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(2) Section 203(a)(1) of the Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Secretary of Education".

(3)(A) The first sentence of section 501(a) of the Act is amended by striking out "the Chairman of the Civil Service Commission" and inserting in lieu thereof "the Chairman of the Office of Personnel Management" and by striking out "Health, Education, and Welfare" and inserting in lieu thereof "Education and Health and Human Services".

(B) The second sentence of such section is amended by striking out "Secretary of Health, Education, and Welfare and the Chairman of the Civil Service Commission" and inserting in lieu thereof "Secretary of Education and the Chairman of the Office of Personnel Management".

(C) Section 501 of the Act is amended by striking out "Civil Service Commission" each place it appears and inserting in lieu thereof "Office of Personnel Management".

(D) Section 501 of the Act is further amended by striking out "Commission" each place it appears and inserting in lieu thereof "Office".

(E) Section 501(d) of the Act is amended by striking out "Civil Service Commission's activities" and inserting in lieu thereof "the activities of the Office of Personnel Management".

(F) Section 501(f)(1) of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(4) Section 507 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education, the Secretary of Health and Human Services," and by striking out "Chairman of the United States Civil Service Commission" and inserting in lieu thereof "Chairman of the Office of Personnel Management".

(5) Section 614 of the Act is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

(c)(1) Section 401(a) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978 is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Education".

(2) Section 402 of such Act is amended by striking out "Commissioner of Education" and inserting in lieu thereof "Assistant Secretary of Education for the Office of Special Education and Rehabilitation Services".

PART A—VOCATIONAL REHABILITATION SERVICES

AUTHORIZATION OF APPROPRIATIONS

SEC. 111. (a) Section 100(b)(1) of the Act is amended to read as follows:

"(b)(1)(A) For the purpose of making grants to States under part B of this title

(other than grants under section 112) to assist them in meeting the costs of vocational rehabilitation services provided in accordance with State plans under section 101, there is authorized to be appropriated $1,037,800,000 for the fiscal year 1984, and the amount determined under subsection (c) for each of the fiscal years 1985, 1986, and 1987.

"(B) In addition, there are authorized to be appropriated for such purpose such additional sums as may be necessary for each of the fiscal years 1985 and 1986. Any amount appropriated pursuant to this subparagraph shall be allocated in accordance with section 110(a)(4).

"(C) In no event may the amount appropriated for the purpose of making grants to States under part B of this title (other than section 112) be more than $1,117,500,000 for the fiscal year 1985 and $1,203,200,000 for the fiscal year 1986.".

((b) The first sentence of section 100(b)(2) of the Act is amended to read as follows:

"(2) For the purpose of allotments under section 120(a)(1), there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(c) Section 100(b)(3) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three fiscal years thereafter" and inserting in lieu thereof "each of the fiscal years 1984, 1985, and 1986".

(d) Section 100 of the Act is further amended by inserting at the end thereof the following new subsection:

"(d)(1) Unless the Congress in the regular session which ends prior to the beginning of the terminal fiscal year—

"(A) of the authorization of appropriations for the program authorized by the State grant program under part B of this title; or

"(B) of the duration of the program authorized by the State grant program under part B of this title;

either—

"(i) has passed or has formally rejected legislation which would have the effect of extending the authorization or duration (as the case may be) of that program; or

"(ii) by action of either the House of Representatives or the Senate, approves a resolution stating that the provisions of this section shall no longer apply to such program;

such authorization or duration is automatically extended for one additional fiscal year for the program authorized by this title. The amount appropriated for the additional year shall be the amount which the Congress could, under the terms of the law for which the appropriation is made, have appropriated based upon the amount authorized for fiscal year 1986 and the amount authorized under subsection (c).

"(2)(A) For the purposes of subdivision (i) of paragraph (1), the Congress shall not have been deemed to have passed legislation unless such legislation becomes law.

"(B)" In any case where the Commissioner is required under an applicable statute to carry out certain acts or make certain determinations which are necessary for the continuation of the program authorized by this title, if such acts or determinations are required during the terminal year of such program, such acts and determinations shall be required during any fiscal year in which that part of paragraph (1) of this subsection which follows subdivision (ii) of paragraph (1) is in operation.".

(e) Section 110(a) of the Act is amended—

(1) by striking out "section 100(b)(1)" each place it appears in paragraphs (2) and (3) and inserting in lieu thereof "section 100(b)(1)(A)"; and

(2) by inserting after paragraph (3) the following new paragraph:

"(4) For each fiscal year beginning on or after October 1, 1984, for which any amount is appropriated pursuant to section 100(b)(1)(B), each State shall receive an allocation (from such appropriated amount) in addition to the allotment to which such State is entitled under paragraphs (2) and (3) of this subsection. Such additional allocation shall be an amount which bears the same ratio to the amount so appropriated as that State's allotment under paragraphs (2) and (3) of this subsection bears to the sum of such allotments of the the States.".

ELIGIBILITY FOR SERVICES

SEC. 112. Section 102(c)(2) of the Act is amended by striking out "beyond any reasonable doubt".

CLIENT ASSISTANCE

SEC. 113. (a) Section 112 of the Act is amended to read as follows:

"CLIENT ASSISTANCE PROGRAM

"SEC. 112. (a) From funds appropriated under subsection (i), the Secretary shall, in accordance with this section, make grants to States to establish and carry out client assistance programs to provide assistance in informing and advising all clients and client applicants of all available benefits under this Act, and, upon request of such clients or client applicants, to assist such clients or applicants in their relationships with projects, programs, and facilities providing services to them under this Act, including assistance in pursuing legal, administrative, or other appropriate remedies to ensure the protection of the rights of such individuals under this Act.

"(b) No State may receive payments from its allotment under this Act in any fiscal year unless the State has in effect not later than October 1, 1984, a client assistance program, which—

"(1) has the authority to pursue legal, administrative, and other appropriate remedies to ensure the protection of rights of handicapped individuals who are receiving treatments, services, or rehabilitation under this Act within the State; and

"(2) meets the requirements of designation under subsection (c).

"(c)(1) The Governor shall designate a public or private agency to conduct the client assistance program under this section. Except as provided in the last sentence of this paragraph, the Governor shall designate an agency which is independent of any agency which provides treatment, services, or rehabilitation to individuals under this Act. If there is an agency in the State which has, or had, prior to the date of enactment of the Rehabilitation Amendments of 1984, served as a client assistance agency under this section and which received Federal financial assistance under this Act, the Governor may designate an agency which provides treatment, services, or rehabilitation to handicapped individuals under this Act.

"(2) In carrying out the provisions of this section, the Governor shall consult with the director of the State vocational rehabilitation agency, the head of the developmental disability protection and advocacy agency, and with representatives of professional and consumer organizations serving handicapped individuals in the State.

"(3) The agency designated under this subsection shall be accountable for the proper use of funds made available to the agency.

"(d) The agency designated under subsection (c) of this section may not bring any class action in carrying out its responsibilities under this section.

"(e)(1)(A) The Secretary shall allot the sums appropriated for each fiscal year under this section among the States on the basis of relative population of each State, except that no State shall receive less than $50,000.

"(B) The Secretary shall allot $30,000 each to American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(C) For the purpose of this paragraph, the term 'State' does not include American Samoa, Guam, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

"(2) The amount of an allotment to a State for a fiscal year which the Secretary determines will not be required by the State during the period for which it is available for the purpose for which allotted shall be available for reallotment by the Secretary from time to time on such dates he may fix to other States with respect to which such a determination has not been made, in proportion to the original allotments of such States for such fiscal year, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the sum the Secretary estimates such State needs and will be able to use during such period; and the total of such reduction shall be similarly reallotted among the States whose proportionate amounts were not so reduced. Any such amount so reallotted to a State for a fiscal year shall be deemed to be a part of its allotment for such fiscal year.

"(3)(A) The Secretary shall pay to the Governor from the allotment of the State the amount specified in the application approved under subsection (f).

"(B) For the purpose of this paragraph and subsection (c), the term 'Governor' means the chief executive of the State.

"(f) No grant may be made under this section unless the State submits an application to the Secretary at such time, in such manner, and containing or accompanied by such information as the Secretary deems necessary to meet the requirements of this section.

"(g) The Secretary shall prescribe regulations applicable to the client assistance program which shall include the following requirements:

"(1) No employees of such programs shall, while so employed, serve as staff or consultants of, or receive benefits of any kind directly or indirectly from, any rehabilitation project, program, or facility receiving assistance under this act in the State.

"(2) Each program shall be afforded reasonable access to policymaking and administrative personnel in the State and local rehabilitation programs, projects, or facilities.

"(3) Each program shall contain provisions designed to assure that to the maximum extent possible mediation procedures are used prior to resorting to administrative or legal remedies.

"(4) The agency designated under subsection (c) shall submit an annual report to the Secretary on the operation of the program during the previous year, including a summary of the work done and the uniform statistical tabulation of all cases handled by such program. A copy of each such report shall be submitted to the appropriate committees of the Congress by the Secretary, together with a summary of such reports and

his evaluation of the program, including appropriate recommendations.

"(h)(1) The Commissioner shall conduct a comprehensive evaluation of the client assistance program authorized by this section, and submit a report to Congress, not later than February 1, 1986.

"(2) In conducting the study required by this subsection, the Commissioner shall address and report the following information for each State that received a client assistance program grant. The study shall include—

"(A) the numbers of handicapped individuals assisted through the client assistance program;

"(B) the handicapping conditions of the individuals assisted, and the proportion each type of individuals represents of the total population assisted:

"(C) the types of services provided, cross-referenced to types of handicapped individuals assisted through each service;

"(D) the type of organization or agency which administers the client assistance program;

"(E) the physical proximity of the client assistance program to the State vocational rehabilitation agency; and

"(F) the type of organizational structure used by the client assistance program to deliver services.

"(3) In conducting the study the Commissioner shall make the following comparisons:

"(A) differences in service delivery patterns in client assistance programs in urban and rural areas;

"(B) differences in service delivery patterns among client assistance programs administered in various organizational settings; and

"(C) differences in service delivery patterns among client assistance programs established after this reauthorization and those that were established prior to this reauthorization.

"(4) The report shall include such recommendations, including recommendations for legislative proposals, as the Commissioner deems necessary.

"(i) There are authorized to be appropriated $6,000,000 for the fiscal year 1984, $6,300,000 for the fiscal year 1985, and $6,700,000 for the fiscal year 1986.".

"(b) The table of contents of the Act is amended by striking out the item relating to "Sec. 112" and inserting in lieu thereof the following:

"Sec. 112. Client assistance program.".

INNOVATION AND EXPANSION

SEC. 114. (a) The first sentence of section 121(a) of the Act is amended by striking out all that follows "rehabilitation services," and inserting in lieu thereof the following: "including—

"(1) program to initiate or expand such services to individuals with the most severe handicaps;

"(2) special programs under such State plan to initiate or expand services to classes of handicapped individuals who have unusual or difficult problems in connection with their rehabilitation; and

"(3) programs to maximize the use of technological innovations in meeting the employment training needs of handicapped youth and adults.".

(b) Section 121(b) of the Act is amended by striking out "1982" and inserting in lieu thereof "1986".

PART B—RESEARCH AND TRAINING

AUTHORIZATION OF APPROPRIATIONS

SEC. 121. (a) Section 201(a)(1) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for each of the three succeeding fiscal years" and inserting in lieu thereof "fiscal year 1984, and for each of the two succeeding fiscal years".

(b) Section 201(a)(2) of the Act is amended to read as follows:

"(2) for the purpose of carrying out section 204, $36,000,000 for the fiscal year 1984, $40,000,000 for the fiscal year 1985, and $44,000,000 for fiscal year 1986.".

NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

SEC. 122. (a) Section 202(a) of the Act is amended by striking out "Health, Education, and Welfare" both times it appears and inserting in lieu thereof "Education" each such time.

(b) Section 202(c) of the Act is amended by adding after the first sentence the following new sentence: "The Director shall be an individual with substantial experience in rehabilitation and in research administration.".

(c) Section 202 of the Act is amended by adding at the end thereof the following new subsection:

"(j)(1) The Director shall make a grant to an institution of higher education for the establishment of a program of pediatric rehabilitation research at an institution of higher education.

"(2) The Director shall establish, either directly or by way of grant or contract, a Research and Training Center in the Pacific Basin.".

RESEARCH

SEC. 123. (a) Section 204(b)(1) of the Act is amended by adding at the end thereof the following: "Rehabilitation Research and Training Centers shall include both comprehensive centers dealing with multiple disabilities and centers focused on particular disabilities. Grants to Centers need not be automatically terminated at the end of a project period and may be renewed on the basis of a thorough evaluation and peer review including site visits. Training of students preparing to be rehabilitation personnel through centers shall be an important priority. Grants may include faculty support for teaching of rehabilitation related courses of study for credit and other courses offered by the institutions of higher education affiliated with the Center.".

(b) Section 204(b)(3) of the Act is amended by striking out "pursuant to section 303(b)" and inserting in lieu thereof "pursuant to sections 310 and 311".

(c) Section 204(b) of the Act is amended by inserting after paragraph (12) the following new paragraph:

"(13) Conduct of a rehabilitation research program under which financial assistance is provided in order to (A) test new concepts and innovative ideas, (B) demonstrate research results of high potential benefits, (C) purchase prototype aids and devices for evaluation, (D) develop unique rehabilitation training curricula, and (E) be responsive to special initiatives of the Director. No single grant under this paragraph may exceed $50,000 in any fiscal year and all payments made under this paragraph in any fiscal year may not exceed five per centum of the amount available under section 204 to the National Institute of Handicapped Research in any fiscal year. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.".

PART C—SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

SEC. 131. Section 301(a) of the Act is amended by striking out "October 1, 1982" in the first sentence and inserting in lieu thereof the following: "October 1, 1986"; and by striking out "October 1, 1983" and inserting in lieu thereof "October 1, 1987".

VOCATIONAL TRAINING

SEC. 132. Section 302 of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1986".

TRAINING

SEC. 133. (a)(1) Section 304(a) of the Act is amended—

(A) by inserting "(1)" after "including" the second time it appears;

(B) by inserting after "placement services" a comma and the following: "(2) personnel specifically trained to deliver services to individuals who may benefit from receiving comprehensive services for independent living, personnel specifically trained to deliver services in client assistance program,"; and

(C) by inserting "(3)" after "and" the last time it appears in such section.

(2) Section 304(a) of the Act is further amended by adding at the end thereof the following new sentence: "In carrying out the provisions of this subsection, the Commissioner shall, in addition to furnishing training in the services provided under this Act to rehabilitation counselors, furnish training to such counselors in the applicability of the provisions of section 504.

(b)(1) Section 304(a) of the Act is further amended by inserting "qualified" before "personnel" the first time it appears in such section.

(2) Section 304(c) of the Act is amended by inserting "qualified" before "personnel" the first time it appears in such section.

(c) Section 304(b) of the Act is amended by striking out "will be utilized to provide a balanced program of assistance to meet the medical, vocational, and other personnel training needs of both public and private rehabilitation programs and institutions, to" and inserting in lieu thereof "shall be targeted to areas of personnel shortage which may".

(d) Section 304(c) of the Act is amended by adding at the end thereof the following new sentences: "The Commissioner shall prepare and submit to the Congress, simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration, a report setting forth and justifying in detail how the training funds for the fiscal year prior to such submission are allocated by professional discipline and other program areas. The report shall also contain findings on personnel shortages, how funds proposed for the succeeding fiscal year will be allocated under the President's budget proposal, and how the findings of personnel shortages justify the allocations.".

(e)(1) Section 304 is amended by striking out "(d)" the second time it appears and inserting in lieu thereof "(e)".

(2) The first sentence of section 304(e) of the Act (as redesignated by paragraph (1)) is amended to read as follows: "There are authorized to be appropriated to carry out this section, $22,000,000 for the fiscal year 1984, $27,000,000 for the fiscal year 1985, and $31,000,000 for the fiscal year 1986.".

AUTHORIZATION OF APPROPRIATIONS FOR COMPREHENSIVE REHABILITATION CENTERS

SEC. 134. Section 305(q) of the Act is amended by striking out "the fiscal year ending September 30, 1979, and for the three succeeding fiscal years", and inserting in lieu thereof "for each of the fiscal years 1984, 1985, and 1986".

AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS

SEC. 135. Section 310(a) of the Act is amended—

(1) by striking out "313" and inserting in lieu thereof "316"; and

(2) by striking out "such sums as may be necessary for each fiscal year ending prior to October 1, 1982" and inserting in lieu thereof "$12,900,000 for fiscal year 1984, $13,600,000 for fiscal year 1985, and $14,300,000 for fiscal year 1986.".

SPECIAL DEMONSTRATION PROGRAMS

SEC. 136. (a)(1) Section 311(a)(1) of the Act is amended by striking out "individuals with spinal cord injuries and".

(2) Section 311(a) of the Act is amended by adding at the end thereof the following new flush sentence: "The Director of the National Institute of Handicapped Research may make grants to States and to public or nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations for spinal cord injuries.".

(b) Section 311(b) of the Act is amended by adding at the end thereof the following new sentence:

"The Director of the National Institute of Handicapped Research shall coordinate each grant made under this subsection with the Commissioner.".

(c) Section 311 of the Act is amended by adding at the end thereof the following new subsection:

"(c)(1) The Commissioner may make grants to public and nonprofit agencies and organizations to pay part or all of the costs of special projects and demonstrations including research and evaluation for handicapped youths to provide job training and prepare them for entry into the labor force. Such projects shall be designed to demonstrate cooperatie efforts between local educational agencies, business and industry, vocational rehabilitation programs, and organizations representing labor and organizations responsible for promoting or assisting in local economic development.

"(2) Services under this subsection may include—

"(A) jobs search assistance;

"(B) on-the-job training;

"(C) job development including worksite modification and use of advanced learning technology for skills training;

"(D) dissemination of information on program activities to business and industry; and

"(E) followup services for individuals placed in employment.

"(3) The Commissioner shall assure that projects shall be coordinated with other projects assisted under section 626 of the Education of the Handicapped Act.".

SPECIAL RECREATIONAL PROGRAMS

AUTHORIZATION OF APPROPRIATIONS

SEC. 137. Section 316 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) There are authorized to be appropriated to carry out this section $2,000,000 for the fiscal year 1984, $2,100,000 for the fiscal year 1985, and $2,200,000 for the fiscal year 1986.".

PART D—NATIONAL COUNCIL

ADMINISTRATIVE AMENDMENT

SEC. 141. (a) Section 400(a) of the Act is amended by striking out "with the Department of Health, Education, and Welfare" and inserting in lieu thereof "within the Federal Government".

(b)(1) Effective on the date of enactment of the Rehabilitation Amendments of 1984, the National Council on the Handicapped shall be an independent agency within the Federal Government and shall not be an agency within the Department of Education or any other department or agency of the United States.

(2) There are transferred to the Chairman of the National Council on the Handicapped all functions relating to the Council which were vested in the Secretary of Education on the day before the date of enactment of the Rehabilitation Amendments of 1984. The Chairman of the National Council on the Handicapped shall continue to exercise all the functions under the Rehabilitation Act of 1973 or any other law or authority which the Chairman was performing before the date of the enactment of the Rehabilitation Amendments of 1984.

(3) References in any statute, reorganization plan, Executive order, regulation, or other official document or proceeding to the Department of Education or the Secretary of Education with respect to functions or activities relating to the National Council on the Handicapped shall be deemed to refer to the National Council on the Handicapped or the Chairman of the National Council on the Handicapped, respectively.

DUTIES

SEC. 142. (a) Section 401 of the Act is amended—

(1) by striking out clause (3) and inserting in lieu thereof the following:

"(3) advise the President, the Congress, the Commissioner, the appropriate Assistant Secretary of the Department of Education, and the Director of the National Institute of Handicapped Research on the development of the programs to be carried out under this Act;";

(2) in clause (5)—

(A) by inserting "the President, the Congress," immediately before "the Secretary"; and

(B) by striking out "the Commissioner,";

(3) by striking out "and" at the end of clause (5);

(4) by striking out "the Secretary," in clause (6);

(5) by striking out the period at the end of clause (6) and inserting in lieu thereof a semicolon and the word "and"; and

(6) by adding at the end thereof the following:

"(7) provide to the Congress on a continuing basis advice, recommendations, and any additional information which the Council or the Congress deems appropriate.".

(b) Section 401 of the Act is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) The National Council shall—

"(1) review all statutes pertaining to Federal programs which assist handicapped individuals;

"(2) make a priority listing of such programs based on the number of handicapped individuals such programs assist and the Federal costs of such programs;

"(3) assess the extent to which such programs provide incentives or disincentives to the establishment of community-based services for handicapped individuals, promote the full integration of such individuals in the community, in schools, and in the workplace, and contribute to the independence and dignity of such individuals;

"(4) recommend to the President and the Congress legislative proposals for increasing incentives and eliminating disincentives in Federal programs based on the assessment made pursuant to clause (3); and

"(5) prepare and submit a final report to the President and to the Congress not later than February 1, 1986, on the review, assessment, and recommendations required by this subsection.".

STAFF

SEC. 143. (a) Section 403(a) of the Act is amended by striking out "up to seven technical and professional employees" and inserting in lieu thereof "an Executive Director".

(b) Section 403(a) of the Act is further amended by adding at the end thereof the following new sentence: "The Executive Director shall be appointed from among individuals who are experienced in the planning or operation of programs for handicapped individuals.".

(c) Section 403(a) of the Act is further amended by inserting "(1)" after the section designation and by adding at the end thereof the following new subsection:

"(2) The Executive Director is authorized to hire not to exceed seven technical and professional employees to assist the National Council to carry out its duties.".

(d) Section 403(b) of the Act is amended by inserting "(1)" after the subsection designation and by adding at the end thereof the following new paragraphs:

"(2) The National Council may—

"(A) accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, United States Code;

"(B) accept, in the name of the Council, employ and dispose of in furtherance of this Act, any money, or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest, or otherwise; and

"(C) enter into contracts and cooperative agreements with Federal and State agencies, private firms, institutions, and individuals for the conduct of research and surveys, preparation of reports and other activities necessary to the discharge of the Council's duties and responsibilities.

"(3) Not more than 10 percent of the total amounts available to the National Council in each fiscal year may be used for official representation and reception.

"(4) From the amount available to the Office of Special Education and Rehabilitative Services, Department of Education, $500,000 in fiscal year 1984 shall be transferred and made available to the National Council.".

PART E—ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

AUTHORIZATION OF APPROPRIATIONS

SEC. 151. Section 502(i) of the Act is amended by striking out "October 1, 1982" and inserting in lieu thereof "October 1, 1986.".

PART F-EMPLOYMENT OPPORTUNITIES

AUTHORIZATION OF APPROPRIATIONS FOR COMMUNITY SERVICE EMPLOYMENT PILOT PROGRAMS

SEC. 161. Section 617 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 617. There are authorized to be appropriated to carry out the provisions of this part such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

PROJECTS WITH INDUSTRY

SEC. 162. (a) The matter preceding clause (A) of section 621(a)(1) of the Act is amended by inserting after "employers" a comma and the following: "designated State units".

(b) Section 621(a) of the Act is amended by adding at the end thereof the following new paragraphs:

"(3) Any agreement developed under this subsection shall include a description of an evaluation plan which at the end of each year of a funding cycle reflects at a minimum the following—

"(A) the numbers and types of handicapped individuals assisted;

"(B) the types of assistance provided;

"(C) the sources of funding;

"(D) the percentage of resources committed to each type of assistance provided;

"(E) the extent to which the employment status and earning power of handicapped individuals changed following assistance;

"(F) the extent of capacity building activities, including collaboration with other organizations, agencies, and institutions; and

"(G) a comparison, when appropriate, of activities in prior years with activities in the most recent year.".

(c) Section 621 of the Act is amended by adding after subsection (c) the following new subsections:

"(d)(1) The Commissioner shall, not later than February 1, 1985, develop and publish standards for evaluation consistent with the provisions in section (a)(3) to assist each recipient under the Projects With Industry Program receiving assistance under this title to review and evaluate the operation of its projects.

"(2) The Commissioner shall, pursuant to section 14 of this Act, conduct a comprehensive evaluation of the Projects with Industry Program and submit a report on February 1, 1986, to Congress on the evaluation, including recommendations for the improvement and continuation of each recipient and for the support of new Projects With Industry recipients. In conducting the comprehensive evaluation, the Commissioner shall apply standards for evalution criteria which are consistent with those required in section (a)(3).

"(3) In developing standards for evaluation to be used by the Projects With Industry recipients, and in developing the standards for evaluation to be used in the comprehensive evaluation, the Commissioner shall obtain and consider recommendations for such standards from State Vocational Rehabilitation Agencies, current Projects With Industry recipients, professional organizations representing industry, organizations representing handicapped individuals, individuals assisted by Projects With Industrial recipients, and labor organizations.

"(4) No standards may be established under this subsection unless the standards are approved by the National Council on the Handicapped. The Council shall approve the standards within 90 days after receiving the standards. If the Secretary of Education has not received notification of approval or disapproval from the Council within 90 days, the standards shall be deemed approved. A Council decision on such standards shall occur at a regularly scheduled meeting of the Council, and shall be the result of a simple majority of those present at the meeting.

"(e) The parties to each agreement receiving assistance under this section in the fiscal year in which the Rehabilitation Amendments of 1984 is enacted shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the agreement.".

EQUITABLE DISTRIBUTION

SEC. 163. Section 621 of the Act (as amended by section 162) is amended by adding at the end thereof the following new subsection:

"(f) The Commissioner shall to the extent practicable assure an equitable distribution of payments made under this section among the States.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 164. Section 623 of the Act is amended by striking out "of this part for each fiscal year beginning before October 1, 1982" and inserting in lieu thereof "for section 621, $13,000,000 for fiscal year 1984, $14,400,000 for fiscal year 1985, and $15,200,000 for fiscal year 1986; and for section 622, such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986".

TECHNICAL AMENDMENT

SEC. 165. Section 612(b) of the Act is amended by striking out "Comprehensive Employment and Training Act of 1973" and inserting in lieu thereof "Job Training Partnership Act".

PART G—SERVICES FOR INDEPENDENT LIVING

EVALUATION

SEC. 171. (A) Section 711(c) is amended—

(1) by striking out "and" at the end of clause (2);

(2) by redesignating clause (3) as clause (4); and

(3) by inserting after clause (2) the following new clause:

"(3) contain a description of an evaluation plan which at the end of each year of a funding cycle shall reflect at a minimum the following—

"(A) the numbers and types of handicapped individuals assisted;

"(B) the extent to which individuals with varying handicapping conditions were served;

"(C) the types of services provided;

"(D) the sources of funding;

"(E) the percentage of resources committed to each type of service provided;

"(F) how services provided contributed to the maintenance of or the increased independence of handicapped individuals assisted;

"(G) the extent to which handicapped individuals participate in management and decisionmaking in the center;

"(H) the extent of capacity building activities including collaboration with other agencies and organizations;

"(I) the extent of catalytic activities to promote community awareness, involvement, and assistance;

"(J) the extent of outreach efforts and the impact of such efforts; and

"(K) a comparison, when appropriate, of prior year(s) activities with most recent year activities.".

(b) Section 711 of the Act is amended by inserting at the end thereof the following new subsection:

"(e)(1) The Commissioner shall, not later than February 1, 1985, develop and publish standards for evaluation consistent with the provisions in subparagraph (c)(3) to assist each independent living center receiving funding under this title to review and evaluate the operation of its center.

"(2) The Commissioner shall, under the authority specified in section 14 of this Act, conduct a comprehensive evaluation of the Centers for Independent Living Grant Program, and submit a report no later than February 1, 1986, to Congress on the evaluation, including recommendations for the improvement and continuation of each grantee and for the support of new independent living centers. In conducting the comprehensive evaluation, the Commissioner shall apply standards for evaluation which are consistent with the standards required in paragraph (1).

"(3) In developing standards for evaluation to be used by the grantees, and in developing the standards for evaluation to be used in the comprehensive evaluation, the Commissioner shall obtain and consider recommendations for such standards from national organizations representing handicapped individuals and independent living programs; and from independent living centers, professionals serving handicapped individuals, and individuals, associations, and organizations engaged in research in independent living.

"(4) No standards may be established under this subsection unless the standards are approved by the National Council on the Handicapped. The Council shall approve the standards within 90 days after receiving the standards. If the Secretary of Education has not received notification of approval or disapproval from the Council within the 90 days, the standards shall be deemed approved. A Council decision on such standards shall occur at a regularly scheduled meeting of the Council, and shall be the result of a simple majority of those present at the meeting.

"(f) Grantees receiving assistance under this section in the fiscal year in which the Rehabilitation Amendments of 1984 are enacted shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the provisions of the approved application.".

AUTHORIZATION OF APPROPRIATIONS

SEC. 172. (a)(1) Section 731 of the Act the second time it appears is redesignated as section 741.

(2) The table of contents of the Act is amended by striking out "Sec. 731" after part E and inserting in lieu thereof "Sec. 741".

(b)(1) Section 741(a) of the Act (as so redesignated) is amended to read as follows:

"(a) There are authorized to be appropriated to carry out part A of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(2) Section 741(b) of the Act (as so redesignated) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out part B of this title $21,000,000 for the year 1984, $22,000,000 for the fiscal year 1985, and $23,000,000 for the fiscal year 1986.".

(3) Section 741(c)(1) of the Act (as so redesignated) is amended to read as follows:

"(c) There are authorized to be appropriated to carry out part C of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

(4) Section 741 of the Act (as so redesignated) is amended by inserting after subsection (c)(1) (as amended by paragraph (3) of this subsection) the following:

"(d)(1) There are authorized to be appropriated to carry out part D of this title such sums as may be necessary for each of the fiscal years 1984, 1985, and 1986.".

TITLE II—REAUTHORIZATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SHORT TITLE

SEC. 201. This title may be cited as the "Helen Keller National Center Act".

CONGRESSIONAL FINDINGS

SEC. 202. The Congress finds that—

(1) deaf-blindness is among the most severe of all forms of disabilities, and there is a great and continuing need for services and training to help deaf-blind individuals attain the highest possible level of development;

(2) due to the rubella epidemic of the 1960's and recent advances in medical technology that have sustained the lives of many severely disabled individuals, including deaf-blind individuals, who might not otherwise have survived, the need for services for deaf-blind individuals is even more pressing now than in the past;

(3) helping deaf-blind individuals to become self-sufficient, independent, and employable by providing the services and training necessary to accomplish that end will benefit the Nation, both economically and socially;

(4) the Helen Keller National Center for Deaf-Blind Youths and Adults is a vital national resource for meeting the needs of deaf-blind individuals and no State currently has the facilities or personnel to meet such needs;

(5) the Federal Government has invested approximately $10,000,000 in capital, equipment, and operating funds for such Center since it was established; and

(6) it is in the national interest to continue to provide support for the Center, and it is a proper function of the Federal Government to be the primary source of such support.

AUTHORIZATION FOR THE CONTINUED OPERATION OF THE HELEN KELLER NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS; REPEAL OF PRIOR AUTHORIZATION

SEC. 203. (a) Section 313 of the Rehabilitation Act of 1973 (29 U.S.C. 777c) is repealed.

(b) The Secretary of Education shall continue to administer and support the Helen Keller National Center for Deaf-Blind Youths and Adults in the same manner as such Center was administered pursuant to section 313 of the Rehabilitation Act of 1973, to the extent such manner of administration is not inconsistent with any purpose described in subsection (c) or any other requirement of this title.

(c) The purposes of the Center are to—

(1) provide specialized intensive services, or any other services, at the Center or anywhere else in the United States, which are necessary to encourage the maximum personal development of any deaf-blind individual;

(2) train professionals and allied personnel at the Center or anywhere else in the United States to provide services to deaf-blind individuals; and

(3) conduct applied research, development programs, and demonstrations with respect to communication techniques, teaching methods, aids and devices, and delivery of services.

AUDIT; MONITORING AND EVALUATION

SEC. 204. (a) The books and accounts of the Center shall be audited annually by an independent auditor in the manner prescribed by the Secretary and a report on each such audit shall be submitted by the auditor to the Secretary at such time as the Secretary shall prescribe.

(b)(1) The Secretary shall establish procedures for monitoring, on a regular basis, the services performed and the training conducted by the Center.

(2) The Secretary shall, in addition to the regular monitoring required under paragraph (1), conduct an evaluation of the operation of the center at the end of each fiscal year. A written report of such evaluation shall be submitted to the President, the Clerk of the House of Representatives, and the Secretary of the Senate within one hundred and eighty days after the end of the fiscal year for which such evaluation was conducted. The first such report shall be submitted for fiscal year 1983.

AUTHORIZATION OF APPROPRIATIONS

SEC. 205. (a) There are authorized to be appropriated $4,000,000 for the fiscal year 1984, $4,200,000 for the fiscal year 1985, and $4,300,000 for the fiscal year 1986 to carry out the provisions of this title. Such sums shall remain available until expended.

(b) Any appropriation act containing any appropriation authorized by subsection (a) shall contain a statement of the specific amount being made available to the center.

DEFINITIONS

SEC. 206. For purposes of this title—

(1) the terms "Helen Keller National Center for Deaf-Blind Youths and Adults" and "Center" mean the Helen Keller National Center for Deaf-Blind Youths and Adults, and its affiliated network, operated pursuant to section 313 of the Rehabilitation Act of 1973 and continued under this title;

(2) the term "deaf-blind individual" means any individual—

(A) who has a central visual acuity of 20/200 or less in the better eye with corrective lenses, or central acuity of 20/200 if there is a field defect such that the peripheral diameter of visual field subtends an angular distance no greater than 20 degrees,

(B) who has a chronic hearing impairment so severe that most speech cannot be understood with optimum amplification, and

(C) for whom the combination of the impairments described in subparagraphs (A) and (B) causes extreme difficulty in attaining independence in daily life activities, achieving psychosocial adjustment, or obtaining a vocation,

and such term includes any other meaning the Secretary may prescribe by regulation; and

(3) the term "Secretary" means the Secretary of Education.

CONSTRUCTION OF ACT; EFFECT ON AGREEMENTS

SEC. 207. This title shall not be construed as modifying or affecting any agreement between the Department of Education or any other department or agency of the United States and the Industrial Home for the Blind, Incorporated, or any successor to or assignee of such corporation, with respect to the Center.

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 208. (a) The table of contents of the Rehabilitation Act of 1973 is amended by striking out "Sec. 313. Helen Keller National Center.".

(b) Section 310(a) of the Rehabilitation Act of 1973 is amended by striking out "(other than section 313),".

TITLE III—DEVELOPMENTAL DISABILITIES

ADMINISTRATIVE AMENDMENT

SEC. 301. Section 102(11) of the Developmental Disabilities Assistance and Bill of Rights Act (hereafter in this title referred to as "the Act") is amended by striking out "Secretary of Health, Education, and Welfare" and inserting in lieu thereof "Secretary of Health and Human Services".

PROTECTION AND ADVOCACY OF INDIVIDUAL RIGHTS

SEC. 302. The first sentence of section 113(b)(2) of the Act is amended to read as follows: "There is authorized to be appropriated for allotments under paragraph (1) $6,400,000 for fiscal year 1984.".

UNIVERSITY AFFILIATED FACILITIES

SEC. 303. Section 123 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 123. There is authorized to be appropriated to carry out this part $7,800,000 for fiscal year 1984.".

GRANTS FOR PLANNING AND THE PROVISION OF SERVICES

SEC. 304. Section 131 of the Act is amended to read as follows:

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 131. There is authorized to be appropriated to carry out the provisions of this part $45,400,000 for fiscal year 1984.".

SPECIAL PROJECTS

SEC. 305. Section 145(f) of the Act is amended to read as follows:

"(f) For the purpose of making grants under subsection (a), there is authorized to be appropriated $2,600,000 for fiscal year 1984.".

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the title of the bill, insert the following: "An Act to revise and extend the Rehabilitation Act of 1973, to provide for the operation of the Helen Keller National Center for Deaf-Blind Youths and Adults, to extend the Development Disabilities Assistance and Bill of Rights Act, and for other purposes.".

And the House agree to the same.

For consideration of the Senate bill exclusive of title II:

CARL D. PERKINS,
WILLIAM D. FORD,
MARIO BIAGGI,
IKE ANDREWS,
PAUL SIMON,
GEO. MILLER,
AUSTIN J. MURPHY,
BALTASAR CORRADA,
PAT WILLIAMS,
RAY KOGOVSEK,
JOHN N. ERLENBORN,
STEVE BARTLETT,
BILL GOODLING,
STEVE GUNDERSON,
TOM COLEMAN,

Additional Education and Labor Committee members to be conferees on title I of the Senate bill and modifications committed to conference:

DALE KILDEE,
HOWARD C. NIELSON,

Additional Energy and Commerce Committee members of serve jointly with Educa-

tion and Labor Committee members on section 402(c)(8) of title IV of the House amendment and modifications committed to conference:

JOHN D. DINGELL,
JAMES SCHEUER,
RICHARD OTTINGER,
PHILIP R. SHARP,
ED MARKEY,
TOM LUKEN,
JAMES T. BROYHILL,
TOM CORCORAN,
CARLOS J. MOORHEAD,

As exclusive conferees on title II of the Senate bill and modification committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
JAMES T. BROYHILL,
Managers on the Part of the House.

ORRIN HATCH,
LOWELL P. WEICKER, Jr.,
ROBERT T. STAFFORD,
PAULA HAWKINS,
DON NICKLES,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
THOMAS F. EAGLETON,
SPARK MATSUNAGA,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1340) to revise and extend the Rehabilitation Act of 1973 and to extend the Developmental Disabilities Assistance and Bill of Rights Act, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment struck out all of the text of the Senate bill and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment which is a substitute for the Senate bill and the House amendment. The provisions of the Senate bill, the House amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

VOCATIONAL REHABILITATION SERVICES

DEFINITION OF A HANDICAPPED INDIVIDUAL

The Senate bill amends the definition of a handicapped individual for the purposes of title I of the Rehabilitation Act of 1973, as amended, (hereinafter, the Act) by defining an "individual" as a person who has reached the age of sixteen.

The House amendment does not contain a comparable provision.

The Senate recedes.

ANNUAL REPORT REQUIREMENTS

The Senate bill provides that the Commissioner of the Rehabilitation Services Administration (hereinafter, the Commissioner) shall collect annually the following data on each client served: age, sex, race, ethnicity, education, type of disability, severity of disability, key rehabilitation process dates, earnings before and after services, work status, occupation, cost of services, types of services provided, reasons for closure, types of facilities or agencies which furnished services and whether each such facility or agency is public or private. The Commissioner shall ensure the confidentiality of the identity of each client.

The House amendment does not contain a comparable provision.

The House recedes.

The conferees agree that a proven strength of the vocational rehabilitation program is its ability to be measured not only by its cost-effectiveness, but also in terms of its impact on the lives of individuals served. In addition to the primary objective of employment, the provision of rehabilitation services results in other positive aspects which can and should be documented. For instance, the educational level of an individual can be raised or the independence level can be increased. The conferees support the collection of this data through the "Life Status Indicators" section of the Vocational Rehabilitation Program Impact Recording Form.

In addition to supporting the requirement of individual client data, the conferees consider the information which has been available in the "Annual Vocational Rehabilitation Program/Cost Report", RSA Reporting Form RSA-2, essential to the provision of quality rehabilitation services and the effective management of rehabilitation agencies. The conferees are in agreement that the Commissioner shall continue to collect this data, which includes information on the expenditure of both State matching and Federal funds by State Rehabilitation Agencies for administrative costs, services purchased from both public and private rehabilitation facilities, counseling and placement, and other specific services such as evaluation, total restoration, training, post-employment and maintenance, and the number of services purchased. This information is vital to State agency administrators, the persons served by the rehabilitation agencies, to oversight bodies within the United States Congress and State legislatures, as well as to the Executive branches of both Federal and State governments. Form RSA-2 is the only document which provides these specific breakdowns of cost to the vocational rehabilitation program.

STANDARDS FOR EVALUATION

The Senate bill amends section 14 of the Act to require the Secretary of the Department of Education (hereinafter, the Secretary) to establish and use standards for evaluation. Such standards shall include, to the extent feasible, for all appropriate programs information relating to increases in employment and earnings, taking into account economic factors in the area served and characteristics of individuals served. The bill also requires an evaluation of projects with industry, funded under part B of title VII of the Act, by September 30, 1984. The evaluation of independent living centers is to include an assessment of alternative means of financing. Interim report of these studies would be required to be submitted to the Congress every 90 days and a final report would be required by December 31, 1984.

The House amendment does not contain a comparable provision.

The House recedes with an amendment deleting from the amendment to section 14 the specific requirement for the evaluation studies of projects with industry and independent living centers. In amendments to sections 621 and 711 of the Act the House provides for specific evaluation studies of projects with industry and independent living centers.

REFERENCES TO DEPARTMENTS AND OFFICIALS

The Senate bill updates references to Federal departments and department heads to reflect changes made by the establishment of the Department of Education and the Office of Personnel Management.

The House amendment does not contain a comparable provision.

The House recedes.

STATE REHABILITATION PROGRAM: DATA AND COORDINATION

The conferees note and commend the experience and accomplishments of the State Vocational Rehabilitation Agencies in the area of job training and job placement. These experiences would lend valuable assistance to the ongoing activities in the States and localities under the Job Training Partnership Act.

Therefore, the conferees wish to make clear their intent that full coordination be encouraged between the activities of the State Vocational Rehabilitation Agencies, authorized under title I of the Rehabilitation Act, as amended, and the State and local efforts authorized under the Job Training Partnership Act.

This coordination could lead to the valuable sharing of expertise, experience and efforts in the area of job training and placement, and could be of great benefit to persons with mental and physical disabilities served by both the State rehabilitation programs, and the Job Training Partnership Act.

It is the intent of the conferees that data gathered under section 618(b)(3) of Public Law 98-199, the Education of the Handicapped Act Amendments of 1983, be utilized by State Vocational Rehabilitation Agencies in meeting State plan requirements, particularly the requirements of clauses (10) and (15) under section 101 of the Rehabilitation Act.

Section 618(b)(3) of Public Law 98-199 requires that State Special Education Agencies collect data on: "the number of handicapped children and youth exiting the educational system each year through program completion or otherwise, by disability category and age, and anticipated services for the next year;".

Section 101, clauses (10) and (15) of the Rehabilitation Act outline requirements for the assessment of statewide needs of handicapped individuals.

It is the intent of the conferees that this information about handicapped special education students served through the State Education Agencies be used to assist State Vocational Rehabilitation Agencies in determining the areas of service need for handicapped persons within their States. The conferees expect that this transfer of information will benefit handicapped persons in the transition from school to adult life. Sharing of this information with State Planning Councils authorized under the Developmental Disabilities Act would facilitate comprehensive statewide planning for adult services for handicapped persons.

LENGTH OF REAUTHORIZATION OF STATE GRANTS

The Senate bill reauthorizes the State grant entitlement program for three fiscal years.

The House amendment reauthorizes the State grant entitlement program for five fiscal years.

The House recedes with an amendment to provide that unless Congress has by the end of fiscal year 1986 extended the authorization of appropriations for this section, or

taken action to provide that the provisions of this section are no longer applicable, the authorization of appropriations for the State grant entitlement is extended for one additional year at a level of increase represented in any cost of living increase, based on the Consumer Price Index for All Urban Consumers, for the previous fiscal year.

AUTHORIZATION OF APPROPRIATIONS FOR STATE GRANTS

The Senate bill authorizes appropriations for the entitlement for State grants of $993.9 million for fiscal year 1984, $1,047.6 million for fiscal year 1985, and $1,103 million for fiscal year 1986.

The House amendment authorizes the entitlement for State grants at $1,037.8 million for fiscal year 1984, and for fiscal years 1985 through 1988 at the level of the entitlement for the previous fiscal year increased by the percentage that the Consumer Price Index for All Urban Consumers increases for each such previous fiscal year. The House amendment further authorizes such additional sums as may be necessary for each of the fiscal years 1985, 1986, 1987 and 1988.

The Senate recedes with an amendment which provides that the total of amounts appropriated for the State grant entitlement program and the additional authorization of appropriations shall not exceed $1,117,500,000 for fiscal year 1985 and $1,203,200,000 for fiscal year 1986.

ALLOCATION OF FUNDS IN EXCESS OF ENTITLEMENT

The House amendment provides that in any year in which amounts are appropriated in addition to the allotments to which States are entitled, such additional amounts shall be allocated in the same ratio to the amount so appropriated as each State's entitlement allotment bears to the sum of the allotments of all of the States.

The Senate bill does not contain a comparable provision.

The Senate recedes.

GRANTS TO INDIAN TRIBES

Both the Senate bill and the House amendment extend the authorization of appropriations for grants to Indian tribes at such sums as may be necessary through fiscal year 1986. The conference agreement includes this provision.

The conferees note that the evaluation required by section 131 of the act has never been submitted to Congress. This evaluation should have been submitted to Congress no later than 30 months after the date of enactment (November 6, 1978) of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments. The conferees expect the Secretary to conduct and complete expeditiously this evaluation of programs authorized by part D, American Indian Vocational Rehabilitation Services. In addition, the conferees expect the evaluation to include a comparison of the provision of vocational rehabilitation services to American Indians under part D to the provision of vocational rehabilitation services under section 101 to handicapped American Indians residing on large reservations, reservations in remote areas, and reservations spanning more than one State.

MAINTENANCE OF EFFORT

The Senate bill repeals, as of October 1, 1986, the provision of current law which authorizes supplementary Federal funding for States required to overmatch their Federal allotment for vocational rehabilitation services due to the maintenance of effort provision in section 111 of the Act.

The House amendment does not contain a comparable provision.

The Senate recedes.

ELIGIBILITY FOR SERVICE

The House amendment deletes the words "beyond any reasonable doubt" from the provision of current law which requires that a finding of ineligibility for services must demonstrate beyond any reasonable doubt that the individual is not capable of achieving a vocational goal.

The Senate bill does not contain a comparable provision.

The Senate recedes.

CLIENT ASSISTANCE

The Senate bill requires the establishment of a client assistance program (CAP) in each State by September 30, 1985, as a condition of eligibility for the State grant for vocational rehabilitation services. The bill changes current law to require that the Governor shall designate a public or private agency to administer the program and that such agency shall be independent of the State Vocational Rehabilitation Agency or any agency providing treatment, services or rehabilitation under this Act. The bill authorizes appropriations of $6 million in fiscal year 1984, $6.3 million in fiscal year 1985, and $6.7 million in fiscal year 1986. Funds are to be allotted to States on the basis of relative State population, except that each State shall receive a minimum of $50,000 and each territory shall receive $30,000.

The House amendment reauthorizes appropriations for client assistance projects under current law at no less than $3.5 million of amounts appropriated in excess of $11,860,000 under section 310 of the Act for fiscal years 1984, 1985, and 1986. In the event that funds appropriated under section 310 do not exceed $11,860,000, the Commissioner is authorized to utilize such funds to carry out this section.

The House recedes with an amendment to change the effective date from September 30, 1985 to October 1, 1984 and to provide that in States in which section 112 client assistance program grants are now or have been administered in or by the Vocational Rehabilitation Agency, or an agency receiving vocational rehabilitation funds, the independence requirements do not pertain. The House amendment further requires that the Commissioner of the Rehabilitation Services Administration shall conduct a comprehensive evaluation of the client assistance program and provide the results to Congress no later than February 1, 1986. The House amendment further states the CAPs are prohibited from bringing any class actions.

Through this reauthorization, section 112, which authorized client assistance projects, is changed from a demonstration, discretionary program to a formula State grant program. The conferees concur that such a change is warranted so that handicapped individuals throughout the country may benefit from the services provided by client assistance programs. In authorizing this new State grant program new provisions are established to enhance and strengthen the original purposes of the client assistance program.

The conferees intend that the Governor have the widest range of advice prior to making the placement decision related to the client assistance program. The conferees believe that obtaining input from the Director of the State Vocational Rehabilitation Agency and the Director of the Developmental Disabilities Protection and Advocacy Program, as well as professional and consumer groups prior to the placement decision will assist the Governor in choosing the most appropriate option.

The conferees recognize that CAP projects have been placed in a variety of settings in the past. In order to ensure minimal disruption of such projects, while still ensuring the maximum level of their autonomy, the conferees intend that CAP projects formerly or currently administered and housed in a Vocational Rehabilitation Agency, may be administered and housed in such an agency if the Governor chooses such an option. In States which have never had a section 112 grant administered within such an agency, the Governor must not choose a Vocational Rehabilitation Agency to administer the program. However, nothing in this section shall be interpreted to prohibit the physical location of the Office of Client Assistance in a Vocational Rehabilitation Agency. Nothing in this section would prohibit the placement of a client assistance program with a Developmental Disabilities Council or a Protection and Advocacy Office.

The confereees believe that CAPs, to the maximum extent possible, encourage and assist handicapped individuals and Vocational Rehabilitation Agencies to resolve their differences through mediation before pursuing administrative and legal remedies.

The conferees believe that a thorough and thoughtful study of the new client assistance program formula grant program is needed to document the variety of approaches to client assistance services and their similarities and differences. The conferees realize that section 112(f) mandates that an annual report be submitted to the Secretary and Congress on the operation of the program during the previous year. However, the conferees intend that section 112(h) be a one-time extensive evaluation study as provided by section 14. It is the intent of the conferees that the annual report, required by section 112(f), continue to be submitted.

INNOVATION AND EXPANSION

The Senate bill amends existing law to delete reference to handicapped individuals who are poor and for whom the State Rehabilitation Agency shares responsibility for their treatment, education, and rehabilitation with other agencies. The Senate bill adds to current law reference to programs which maximize the use of technological innovations in meeting the employment training needs of handicapped youth and adults. Both the Senate bill and the House amendment extend the authorization of appropriations for innovation and expansion grants at such sums as may be necessary through fiscal year 1986.

The House amendment extends from September 30, 1982 until September 30, 1986 the date until which funds appropriated for grants under this section shall remain available.

The conference agreement includes both provisions.

RESEARCH

EXPENSES OF NATIONAL INSTITUTE OF HANDICAPPED RESEARCH

The House amendment extends through fiscal year 1986 the authorization of such sums as may be necessary for the expenses of administering the National Institute of Handicapped Research.

The Senate bill does not contain a comparable provision.

The Senate recedes.

AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH

The Senate bill authorizes appropriations for rehabilitation research of $36 million for fiscal year 1984, $38 million for fiscal year 1985 and $40 million for fiscal year 1986.

The House amendment authorizes such sums as may be necessary through fiscal year 1986 for rehabilitation research.

The House recedes with an amendment setting the authorization of appropriations at $36 million for fiscal year 1984, $40 million for fiscal year 1985 and $44 million for fiscal year 1986.

REQUIREMENTS OF THE DIRECTOR

The Senate bill specifies that the Director of the National Institute of Handicapped Research shall be an individual with substantial experience in rehabilitation and in research administration. The bill also requires the Director to establish a program of pediatric rehabilitation research through a grant to an institution of higher education and to establish, either directly or by way of grant or contract, a research and training center in the Pacific Basin.

The House amendment does not contain a comparable provision.

The House recedes.

Historically the need for a research and training center for the handicapped in the Pacific Basin has been overlooked. Given the scarcity of resources for the rehabilitation of the handicapped in this area, the conferees feel that a research and training center should be established, drawing on the existing facilities and resources of the Rehabilitation Hospital in Hawaii, in order that the unique needs of the handicapped population in Hawaii, Guam and the Trust Territories be met.

GRANTS TO RESEARCH AND TRAINING CENTERS

Both the Senate bill and the House amendment provide that research and training centers shall include both comprehensive centers dealing with multiple disabilities and centers focused on particular disabilities. Grants to centers need not be automatically terminated at the end of a project period and may be renewed on the basis of a thorough evaluation and peer review, including site visits. Training of students preparing to be rehabilitation personnel through centers shall be an important priority.

The conference agreement includes these provisions.

GRANTS FOR FACULTY SUPPORT

The Senate bill provides that grants to research and training centers may include faculty support for teaching of rehabilitation related courses of study for credit and other courses offered by the institutions of higher education affiliated with the center.

The House amendment is identical except that it does not restrict courses to those that are rehabilitation related.

The house recedes.

The conferees intend that such grants for faculty support shall be for the teaching of rehabilitation related courses only, whether such courses are for credit or not for credit.

TECHNICAL AMENDMENT

The Senate bill makes a technical correction to section 204(b)(3) of the Act by striking out "pursuant to section 303(b)" and inserting in lieu thereof "pursuant to sections 310 and 311(b)".

The House amendment strikes out "303(b)" and inserts in lieu thereof "311".

The House recedes with an amendment inserting in lieu thereof "pursuant to sections 310 and 311".

GRANTS FOR INNOVATIVE RESEARCH

The Senate bill authorizes the Director of the National Institute of Handicapped Research to make grants to conduct a rehabilitation research program to test new concepts and innovative ideas, demonstrate research results of higher potential benefits, purchase prototype aids and devices for evaluation, develop unique rehabilitation training curricula, and be responsible to special initiatives of the Director. No single payment is to exceed $50,000 and the total amount available in any fiscal year for these special grants is not to exceed five percent of the total research funds available under section 204. Regulations and administrative procedures with respect to financial assistance under this paragraph shall, to the maximum extent possible, be expedited.

The House amendment does not contain a comparable provision.

The house recedes with an amendment striking the word "payment" and inserting in lieu thereof the word "grants".

SUPPLEMENTARY SERVICES AND FACILITIES

GRANTS FOR CONSTRUCTION

Both the Senate bill and the House amendment extend the authorization of appropriations of such sums as may be necessary for the purpose of making grants and contracts for construction, staffing and planning assistance for rehabilitation facilities through fiscal year 1986. Amounts appropriated for construction or staffing grants under this section shall remain available for expenditure prior to October 1, 1987.

The conference agreement includes these provisions.

VOCATIONAL TRAINING

Both the Senate bill and the House amendment extend the authorization of such sums as may be necessary through fiscal year 1986 for grants to States and public or nonprofit organizations and agencies for providing vocational training services to handicapped individuals, especially those with the most severe handicaps, in public or nonprofit rehabilitation facilities.

The conference agreement includes this provision.

PERSONNEL TRAINING

The Senate bill provides that trained rehabilitation personnel are to include individuals specifically trained to deliver services to persons who may benefit from independent living services and individuals specifically trained to deliver services in client assistance programs. Training provided to rehabilitation counselors is to include training in the applicability of the provisions of section 504.

The House amendment does not contain a comparable provision.

The House recedes.

In amending section 304(a) of the Act the conferees agree that rehabilitation counselors receive training in the applicability of section 504. It is the intent of the conferees that such training enable counselors to inform their clients on section 504 protections as they relate to programs under this Act. While such training should also touch on the general applicability of section 504 to other Federal programs, it is not the conferees' intent to require extensive training in section 504 applicability other than in its relation to programs under this Act.

TARGETING OF TRAINING PROJECTS

Both the Senate bill and the House amendment strike from section 304(b) of the Act the provision relating to the utilization of grants or contracts for a balanced program to meet the medical, vocational and other personnel training needs of public and private rehabilitation programs and institutions. Both the Senate bill and the House amendment provide in lieu thereof the requirement that grants and contracts shall be targeted to areas of personnel shortage.

The conference agreement includes this provision.

It is the intent of the conferees that the term "personnel shortage" as used in section 304(b) and 304(c) apply not only to shortages in numbers of personnel, but also to deficiencies in levels of personnel skills. The conferees recognize that it is essential to maintain and upgrade the skills of presently employed personnel, as well as to increase the number of personnel in shortage areas, in order to meet current and projected vocational rehabilitation service needs.

For the purpose of ensuring high quality peer review of training grants, the conferees expect the Department of Education to allocate sufficient fund from within the salaries and expenses account of its budget. The conferees believe that competency, independence of judgement and adequate time to review all materials are vital, and expect such standards to be established and maintained.

The conferees wish to clarify that the phrase "other fields contributing to the rehabilitation of handicapped individuals" in section 304(b) includes the field of rehabilitation dentistry.

ALLOCATION OF TRAINING FUNDS

Both the Senate bill and the House amendment add to section 304(c) of the Act the requirement that the Commissioner submit to Congress, along with the budget submission for the succeeding fiscal year, a report which justifies in detail how the training funds for the previous year have been allocated by professional discipline and other program areas. The report shall contain findings on personnel shortages, how funds will be allocated in the succeeding year and how the findings of personnel shortages justify such allocations.

The conference agreement includes these provisions.

It is the intent of the conferees that the Commissioner shall be responsible for gathering accurate information for the report required by this section, and shall not depend solely on information which may be collected from organizations representing professional disciplines.

QUALIFIED PERSONNEL

The Senate bill inserts the word "qualified" before "personnel" each time it appears in section 304(a) of current law.

The House amendment inserts the word "qualified" before "personnel" where it first appears in sections 304(a) and (c).

The Senate recedes.

The conferees emphasize that the term "qualified personnel" as used in these sections refers to staff having met exising certification and/or licensure requirements of appropriate State and/or national certification boards, and is not intended to require licensure and/or certification where it is not presently required.

AUTHORIZATION OF APPROPRIATIONS FOR TRAINING

The Senate bill authorizes for training $22 million for fiscal year 1984, $26.9 million for fiscal year 1985, and $28.3 million for fiscal year 1986.

The House amendment authorizes such sums as may be necessary for fiscal years 1984 through 1986.

The House recedes with an amendment setting the authorization of appropriations for training at $22 million for fiscal year 1984, $27 million for fiscal year 1985, and $31 million for fiscal year 1986.

COMPREHENSIVE REHABILITAITON CENTERS

Both the Senate bill and the House amendment extend through fiscal year 1986 the authorization of appropriations of such sums as may be necessary for comprehensive rehabilitation centers under section 305 of the Act.

The conference agreement includes this provision.

AUTHORIZAITON OF APPROPRIATIONS FOR SPECIAL PROJECTS

The Senate bill authorizes for appropriations for special projects, other than the Helen Keller National Center and special recreation projects, $12.9 million for fiscal year 1984, $13.6 million for fiscal year 1985, and $14.3 million for fiscal year 1986.

The House amendment authorizes for appropriations for special projects such sums as may be necessary for fiscal years 1984 through 1986. The House amendment deletes the reference to funding for the Helen Keller National Center.

The House recedes. In a subsequent amendment, the Senate recedes on deleting the reference to the Helen Keller National Center.

SPINAL CORD INJURY PROJECTS

The Senate bill strikes reference to spinal cord injuries from section 311(a)(1) of the Act, which authorizes the Commissioner to establish special projects for severely handicapped persons who can benefit from comprehensive services. The Senate bill authorizes the Director of the National Institute of Handicapped Research to make grants to pay all or part of the cost of special projects and demonstrations for spinal cord injuries, and requires the Director to coordinate such grants with the Commissioner.

The House amendment does not contain a comparable provision.

The House recedes.

MENTAL RETARDATION GRANTS

The Senate bill authorizes the Commissioner to make special project grants to assist individuals with mental retardation to enter the labor force. Grants are to include training, work site modification, use of new technology, coordination with business and industry, and follow-up services for persons placed in employment.

The House amendment contain a comparable provision.

The Senate recedes.

The conferees are aware of the critical unmet vocational needs of mentally retarded persons. In order to begin to meet there needs, the conferees intend that the Commissioner target some funds authorized for projects under section 311 to projects for mentally retarded persons. These projects should include job search assistance; on-the-job training; job development including work site modification and use of advanced learning technology for skills training; dissemination of information on program activities to business and industry; and follow-up services for individuals placed in employment.

JOB TRAINING FOR HANDICAPPED YOUTH

The Senate bill authorizes the Commissioner to make grants for special projects and demonstrations, including research and evaluation, to provide job training for handicapped youths. Projects shall be designed to demonstrate cooperative efforts among local educational agencies, business and industry, vocational rehabilitation programs, organizations representing labor and local economic development programs. Projects are required to be coordinated with other projects assisted under section 626 of the Education of the Handicapped Act.

The House amendment does not contain a comparable provision.

The House recedes.

SPECIAL RECREATION GRANTS

The Senate bill authorizes appropriations for special recreation grants under section 316 of the Act at $2.0 million for fiscal year 1984, $2.1 million for fiscal year 1985, and $2.2 million for fiscal year 1986.

The House amendment does not contain a comparable provision.

The House recedes.

NATIONAL COUNCIL ON THE HANDICAPPED

ESTABLISHMENT OF INDEPENDENT COUNCIL

The Senate bill removes the National Council from within the Department of Education and places it "within the executive branch" of the Federal Government.

The House amendment also removes the Council from within the Department of Education, but places it "within the Federal Government".

The Senate recedes with an amendment providing that the Council may accept voluntary and uncompensated services, notwithstanding the provisions of section 1342 of title 31, USC; accept, employ and dispose of any money or property, real or personal, or mixed, tangible or nontangible, received by gift, devise, bequest or otherwise; enter into contracts and cooperative agreements with government agencies, private firms, institutions and individuals for the conduct of research, preparation of reports and other activities; use not more than 10 percent of its available funds for official representation and reception; and that there be transferred from the amount available to the Office of Special Education and Rehabilitation Services, $500,000 in fiscal year 1984 to be available to the Council.

TRANSFER OF SECRETARY'S RESPONSIBILITIES

The House amendment provides that on the effective date of these amendments, the National Council on the Handicapped would be an independent agency within the Federal Government and would not be an agency within any department or agency of the United States. All responsibilities relating to the Council which are vested in the Secretary of Education would be transferred to the Chairman of the Council.

The Senate bill does not contain a comparable provision.

The Senate recedes.

RECIPIENTS OF COUNCIL ADVICE

The Senate bill deletes from those to whom the Council provides advice on the development of programs under this Act the Commissioner, the Secretary, and the appropriate Assistant Secretary of Health, Education and Welfare and inserts in lieu thereof the President and the Congress.

The House amendment does not contain a comparable provision.

The House recedes with an amendment retaining the Commissioner and changing "the appropriate Assistant Secretary of Health, Education and Welfare" to "the appropriate Assistant Secretary of the Department of Education".

The conferees recommend that the annual report of the National Council be compiled on a fiscal year basis.

COUNCIL EMPLOYEES AND EXECUTIVE DIRECTOR

The Senate bill provides that the National Council may appoint an Executive Director, who shall be appointed from among individuals who are experienced in the planning or operation of programs for handicapped individuals. The Executive Director, rather than the Council as in present law, is authorized to hire up to seven technical and professional employees to assist the Council to carry out its duties.

The House amendment does not contain a comparable provision.

The House recedes.

STUDY OF FEDERAL ASSISTANCE TO HANDICAPPED INDIVIDUALS

The House amendment establishes separate authority for a National Commission on Federal Assistance to Disabled Americans to examine Federal legislation which affects disabled persons, identify barriers to integration and independence, and provide Congress and the President with specific recommendations on statutory revisions to improve current legislation. The Commission would be required to submit an interim report within 12 months of its first meeting and to submit a final report of its recommendations no later than 18 months after its first meeting. The Commission would be composed of 16 members appointed to represent the major executive departments and Congressional committees which administer and oversee Federal programs for handicapped individuals.

The Senate bill does not contain a comparable provision.

The House recedes with an amendment requiring the National Council on the Handicapped to carry out an examination of legislation affecting handicapped persons and to submit a report to the President and the Congress recommending legislative proposals no later than February 1, 1986.

The conferees recognize that there are a multitude of Federal programs that benefit Americans with disabilities. These programs are authorized through the Social Security Act, the Developmental Disabilities and Bill of Rights Act, the Rehabilitation Act, as well as legislation pertaining to education, housing, transportation, and food acquisition assistance. These various programs have eligibility criteria and other requirements that may not always complement opportunities and services available through other programs. Moreover, social, economic, and technological changes in the past several years have altered the level of need for specific services, the amount of service available, and the system by which such services are delivered.

The conferees direct the National Council on the Handicapped to assess Federally-funded programs for persons with handicaps to identify in Federal legislation unwarranted and/or unintentional barriers to opportunities for such persons and to determine how such barriers may be removed. Examples of areas which should be explored include the relationship between: income maintenance programs and rehabilitation and jobs programs; institutional care programs and community-based programs such

as independent living; and education programs and job training services.

The conferees intend that the Council shall make legislative proposals based on its analyses of current law. The conferees expect that the Council shall make legislative recommendations to Congress which will promote the full integration of persons with disabilities in the workplace, in the family, and in the community.

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

EXTENSION OF AUTHORIZATION OF APPROPRIATIONS

The Senate bill extends the authorization of the Board through fiscal year 1984.

The House amendment extends the authorization of the Board through fiscal year 1986.

The Senate recedes.

EMPLOYMENT OPPORTUNITIES FOR HANDICAPPED INDIVIDUALS

COMMUNITY SERVICE EMPLOYMENT OPPORTUNITIES

Both the Senate bill and the House amendment extend the authorization of appropriations of such sums as may be necessary through fiscal year 1986 for the community service employment pilot program for handicapped individuals under title VI, part A of this Act.

The conference agreement includes this provision.

ELIGIBILITY TO ENTER AGREEMENTS

Both the Senate bill and the House amendment provide that designated State units are eligible to enter into projects with industry agreements.

The conference agreement includes this provision.

AUTHORIZATION OF APPROPRIATIONS FOR PROJECTS WITH INDUSTRY

The Senate bill authorizes appropriations for projects with industry at $13 million for fiscal year 1984, $14.4 million for fiscal year 1985, and $15.2 million for fiscal year 1986. Both the Senate bill and the House amendment authorize such sums as may be necessary for business opportunities for handicapped individuals under section 622 of the Act.

The House amendment authorizes appropriations of such sums as may be necessary for fiscal years 1984 through 1986 for projects with industry.

The House recedes.

STANDARDS FOR PROJECTS WITH INDUSTRY

The Senate bill requires the Commissioner to develop and publish performance standards for projects with industry (PWI) by July 1, 1984. The standards must be approved by the National Council on the Handicapped. The provision requires continued funding of projects which meet performance standards as stringent as the standards established by the Commissioner and included in the project agreement. Projects receiving assistance on the date of enactment of this section shall continue to receive assistance until October 1, 1984, unless the Commissioner determines that there is substantial failure to comply with the agreement.

The House amendment does not contain a comparable provision.

The House recedes with an amendment to require that PWI agreements include a description of an evaluation plan which at the end of each year of a funding cycle reflects at a minimum the numbers and types of handicapped individuals assisted, the types of assistance provided, the sources of funding, the percentage of resources committed to each type of assistance provided, the extent to which the employment status and earning power of handicapped individuals changed following assistance, the extent of capacity building activities, and comparison with prior year activities.

The House amendment further requires the Commissioner, not later than February 1, 1985, to develop and publish standards for evaluation consistent with the above to assist each recipient to evaluate the operation of its project. The Commissioner shall conduct a comprehensive evaluation of the PWI program and submit a report, including recommendations, to Congress on February 1, 1986. In developing standards for evaluation the Commissioner shall consider recommendations from State Vocational Rehabilitation Agencies, current PWI recipients, professional organizations representing industry and handicapped individuals, individuals assisted by the projects, and labor organizations.

The House amendment further requires that no such standards may be established unless approved by the National Council on the Handicapped. The Council shall have up to 90 days to approve such standards and may be deemed to have approved them if the Department of Education has not received notification of approval or disapproval from the Council within 90 days. Council decisions on standards shall occure at regularly scheduled meetings and shall be the result of a simple majority of those present.

Parties to present agreements under this section shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the agreement.

It is the intent of the conferees that the report due to Congress no later than February 1, 1986 shall be used in the development of reauthorization legislation which must be enacted by October 1, 1986. Therefore, it is imperative that the Commissioner honor this submission date for the report.

EQUITABLE DISTRIBUTION

The Senate bill requires the Commissioner, to the extent practicable, to assure an equitable distribution of payments for projects with industry among the States.

The House amendment does not contain a comparable provision.

The House recedes.

COMPREHENSIVE SERVICES FOR INDEPENDENT LIVING

STANDARDS FOR INDEPENDENT LIVING CENTERS

The Senate bill requires that performance standards for independent living centers funded under title VII, part B, be developed and published by July 1, 1984, and that the Commissioner make recommendations for the improvement and continuation of each center and for the support of new centers. The standards must have the approval of the National Council on the Handicapped. Each center receiving assistance at the time of the enactment of this provision shall continue to receive assistance until a final evaluation report is submitted, unless there has been a substantial failure to comply with the approved application.

The House amendment does not contain a comparable provision.

The House recedes with an amendment to require that applications for grants under this section contain an evaluation plan which shall, at the end of each year of a funding cycle, reflect at least the following: numbers and types of individuals assisted; extent to which individuals with varying handicapping conditions were served; types of services provided; sources of funding; percentage of resources committed to each type of service provided; how services contributed to the maintenance of or increased independence of handicapped individuals; extent to which handicapped individuals participate in management and decision-making in the center; extent of capacity building activities, including collaboration with other agencies and organizations; extent of catalytic activities to promote community awareness, involvement and assistance; extent of outreach efforts and impact of such efforts; and a comparison, when appropriate, of prior year activities with most recent year activities.

The House amendment further provides that the Commissioner shall, not later than February 1, 1985, develop and publish standards for evaluation consistent with the above provisions to assist each center to review and evaluate its operation. The Commissioner shall conduct a comprehensive evaluation of the program and submit a report to Congress no later than February 1, 1986. The report shall include recommendations for the improvement and continuation of grantees and for the support of new centers. In conducting the evaluation, the Commissioner shall apply standards consistent with the standards required by this section. In developing standards to be used by the grantees and to be used in the comprehensive evaluation, the Commissioner shall obtain and consider recommendations from national organizations representing handicapped individuals and independent living programs, from independent living centers, from professionals serving handicapped individuals, and from individuals, associations and organizations engaged in research in independent living.

No standards may be established unless approved by the National Council on the Handicapped. The Council shall have up to 90 days to approve such standards and may be deemed to have approved them if the Department of Education has not received notification of approval or disapproval within the 90 days. Council decisions on standards shall occur at regularly scheduled meetings and shall be the result of a simple majority of those present.

Grantees receiving assistance upon the date of enactment shall continue to receive assistance through September 30, 1986, unless the Commissioner determines that there is a substantial failure to comply with the provisions of the approved application.

It is the intent of the conferees that the report due to Congress no later than February 1, 1986 shall be used in the development of reauthorization legislation which must be enacted by October 1, 1986. Therefore, it is imperative that the Commissioner honor this submission date for the report.

AUTHORIZATION OF APPROPRIATIONS FOR INDEPENDENT LIVING SERVICES

The Senate bill authorizes appropriations of such sums as may be necessary through fiscal year 1986 for title VII, part A, comprehensive State services for independent living; and for part C, services for older blind individuals, and strikes the provision in current law that not in excess of 10% of the amount appropriated for part A shall be available to carry out the provisions of part C of this title. The bill authorizes appropriations of $21 million for each of the fiscal

years 1984 through 1986 for part B, independent living centers.

The House amendment authorizes such sums as may be necessary through fiscal year 1986 for part A, comperhensive State services; part B, independent living centers; and part D, protection and advocacy. The House amendment retains the current law provision setting aside 10% of part A appropriations for part C.

The House recedes with an amendment providing such sums as may be necessary for part A, part C and part D, through fiscal year 1986, and setting the authorization of appropriations for part B at $21 million for fiscal year 1984, $22 million for fiscal year 1985, and $23 million for fiscal year 1986.

The conferees wish to strongly endorse the full implementation of the independent living concept through funding for part of title VII, which authorizes a statewide comprehensive service delivery system for the severely handicapped. Cooperatively with the centers funded through part B of this title, services made available through part A would enhance, expand and stabilize the independent living program. Although only five years old, independent living centers have demonstrated that there are cost-effective alternatives to institutional case for the severely handicapped and that persons with the most severe disabilities can improve their capacity to function in the employment market or in preparation for employment. Until a statewide delivery system is implemented, however, the benefits of independent living services will be available to only a small percentage of severely handicapped persons who are in need of them in order to lead full and productive lives. The conferees urge a sufficient appropriation for part A of title VII in fiscal year 1985 to permit a meaningful start-up of the statewide independent living program.

TECHNICAL AND CONFORMING AMENDMENTS

The House amendment makes a technical correction, redesignating section 731 of part E of the Act as section 741, and strikes a reference to "Comprehensive Employment and Training Act of 1973" and inserts in lieu thereof "Job Training Partnership Act".

The Senate bill does not contain a comparable provision.

The Senate recedes.

HELEN KELLER NATIONAL CENTER

The Senate bill authorizes appropriations for the Helen Keller National Center, as it is presently administered under section 313 of the Act, at $3.7 million for fiscal year 1984, $3.9 million for fiscal year 1985, and $4.1 million for fiscal year 1986.

The House amendment removes the authority for the Helen Keller National Center from the Rehabilitation Act by repealing section 313 and establishes a separate authorization for the Center under a Helen Keller National Center Act. The Center would continue to be administered by the Secretary of Education. The House amendment authorizes such sums as may be necessary for fiscal year 1984 and for each of the four subsequent fiscal years as appropriations for the Helen Keller National Center for Deaf-Blind Youths and Adults.

The Senate recedes with an amendment setting the authorization of appropriations for the Center at $4.0 million for fiscal year 1984, $4.2 million for fiscal year 1985, and $4.3 million for fiscal year 1986.

EFFECTIVE DATE

The Senate bill is effective upon enactment.

The House amendment makes the provisions of titles I through III effective October 1, 1983.

The House recedes.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT

The Senate bill would increase the authorization for fiscal year 1984 for the four programs under the Developmental Disabilities Assistance and Bill of Rights Act. The Senate bill would raise the total authorization of appropriations to $64.2 million for fiscal year 1984 for these programs.

The House amendment does not contain a comparable provision.

The House recedes.

MODIFICATION OF CERTAIN RECONCILIATION ACT LIMITS

The House amendment contains increases in the authorization of appropriations for: Chapter 1 of the Education Consolidation and Improvement Act of 1981; the impact aid program (P.L. 81-815); the Vocational Education Act of 1963; the Adult Education Act; the National Foundation on the Arts and Humanities Act of 1965; the Museum Services Act; the Community Services Block Grant Act; the Low-Income Home Energy Assistance Act of 1981; the supplemental food program for women, infants and children under section 17 of the Child Nutrition Act of 1966; the Education of the Handicapped Act; and the National Technical Institute for the Deaf Act. The House amendment further contains a revision in the Low-income Energy Assistance Program which provides for a change in the distribution of funds for the program.

The Senate bill does not contain a comparable provision.

The House recedes.

SPECIAL IMPACT AID FOR IMMIGRANT CHILDREN EDUCATION

The House amendment contains a program of grants to States to educate immigrant children. Such sums as may be necessary are authorized for fiscal year 1984 through 1986. Funds are distributed on the basis of numbers of immigrant children in qualifying districts, with a maximum payment of $500 per student. Any Federal funds received by a school district for any such children due to their status would be deducted from the school district's grant under this program.

The Senate bill does not contain a comparable provision.

The House recedes.

For consideration of the Senate bill exclusive of title II:

CARL D. PERKINS,
WILLIAM D. FORD,
MARIO BIAGGI,
IKE ANDREWS,
PAUL SIMON,
GEO. MILLER,
AUSTIN J. MURPHY,
BALTASAR CORRADA,
PAT WILLIAMS,
RAY KOGOVSEK,
JOHN N. ERLENBORN,
STEVE BARTLETT,
BILL GOODLING,
STEVE GUNDERSON,
TOM COLEMAN,

Additional Education and Labor Committee members to be conferees on title I of the Senate bill and modifications committed to conference:

DALE E. KILDEE,
HOWARD C. NIELSON,

Additional Energy and Commerce Committee members to serve jointly with Education and Labor Committee members on section 402(c)(8) of title IV of the House amendment and modifications committed to conference:

JOHN D. DINGELL,
JAMES SCHEUER,
RICHARD OTTINGER,
PHILIP R. SHARP,
ED MARKEY,
TOM LUKEN,
JAMES T. BROYHILL,
TOM CORCORAN,
CARLOS J. MOORHEAD,

As exclusive conferees on title II of the Senate bill and modification committed to conference:

JOHN D. DINGELL,
HENRY A. WAXMAN,
JAMES T. BROYHILL,
Managers on the Part of the House.

ORRIN HATCH,
LOWELL P. WEICKER, Jr.,
ROBERT T. STAFFORD,
PAULA HAWKINS,
DON NICKLES,
EDWARD M. KENNEDY,
JENNINGS RANDOLPH,
THOMAS F. EAGLETON,
SPARK MATSUNAGA,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TOWNS (at the request of Mr. WRIGHT), for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BROWN of California) to revise and extend his remarks and include extraneous material:)

Mr. BROWN of California, for 60 minutes, today.

(The following Members (at the request of Mr. MARTIN of New York) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, February 7.

Mr. GINGRICH, for 60 minutes, February 7.

Mr. WEBER, for 60 minutes, February 7.

Mr. MACK, for 60 minutes, February 7.

(The following Members (at the request of Mr. KILDEE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 30 minutes, today.

Mr. MARTINEZ, for 10 minutes, February 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MARTIN of New York) and to include extraneous matter:)

Mrs. ROUKEMA.
Mr. COURTER.
Mr. LENT.
Mr. CORCORAN.
Mr. BLILEY.
Mr. YOUNG of Florida.
Mr. CONTE.
Mr. BROOMFIELD in two instances.
Mr. WOLF.

(The following Members (at the request of Mr. KILDEE) and to include extraneous matter:)

Mr. AUCOIN.
Mr. ANDERSON in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. BARNES in two instances.
Mr. BONER of Tennessee in five instances.
Mr. JONES of Tennessee in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. MICA.
Mr. MONTGOMERY.
Mr. HAMILTON.
Mr. NATCHER.
Mr. PEASE.
Mr. RATCHFORD.
Mr. WALGREN.
Mr. MARKEY.
Mr. DINGELL in two instances.
Mr. OTTINGER.
Mr. LEVINE of California.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAWKINS, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following title:

On February 2, 1984:

H.R. 3969. An act to amend the Panama Canal Act of 1979 to allow the use of proxies by the Board of the Panama Canal Commission.

On February 3, 1984:

H.R. 2727. An act to codify without substantive change recent laws related to money and finance and transportation and to improve the United States Code.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Tuesday, February 7, 1984, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2571. A letter from the Chief, Program Liaison Division, Office of Legislative Liaison, Department of the Air Force, transmitting information on a contract action pertaining to the alternate fighter engine competition; to the Committee on Armed Services.

2572. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for civil defense programs for fiscal years 1985 and 1986, and for other purposes; to the Committee on Armed Services.

2573. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during December 1983 to Communist countries, as a result of Presidential determinations, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(2) (88 Stat. 2334); to the Committee on Banking, Finance and Urban Affairs.

2574. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on the proposed transaction involving U.S. exports to Egypt, pursuant to the act of July 31, 1945, chapter 341, section 2(b)(3)(i) (88 Stat. 2335; 91 Stat. 1210; 92 Stat. 3724); to the Committee on Banking, Finance and Urban Affairs.

2575. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "University of the District of Columbia President's Discretionary Fund Fiscal Year 1983 Annual Report," pursuant to Public Law 93-198, section 455(d); to the Committee on the District of Columbia.

2576. A letter from the Chairman, National Endowment for the Arts, transmitting a draft of proposed legislation to establish a National Medal of Arts for recognition of individuals and groups who make outstanding contributions to the arts in the United States; to the Committee on Education and Labor.

2577. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification of the defense articles, services and training provided to Chad under the authorities of Presidential Determinations 83-8 and 83-9, pursuant to FAA, section 506(b)(2) (93 Stat. 702); to the Committee on Foreign Affairs.

2578. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the price and availability estimates provided to foreign countries, and requests received for letters of offer for the quarter ending December 31, 1983, pursuant to AECA, section 28 (93 Stat. 708; 95 Stat. 1520); to the Committee on Foreign Affairs.

2579. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1985 and 1986, for the Panama Canal Commission to operate and maintain the Panama Canal and for other purposes; to the Committee on Merchant Marine and Fisheries.

2580. A letter from the Secretary of Energy, transmitting a report on the status of the comprehensive management plan for nuclear safety research, development, and demonstration for 1983, pursuant to Public Law 96-5[illegible], section 8(c); jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, and Science and Technology.

2581. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting proposed regulations to implement provisions of title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, pursuant to Public Law 96-510, section 305(a); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

2582. A letter from the Comptroller General of the United States, transmitting a report on the Federal Financial Institutions Examination Council (GAO/GGD-84-4, February 3, 1984), pursuant to 31 U.S.C. 719(c)(3); jointly, to the Committees on Government Operations and Banking, Finance and Urban Affairs.

2583. A letter from the Executive Director, U.S. Holocaust Memorial Council, transmitting a draft of proposed legislation authorizing appropriations to the Executive Director, U.S. Holocaust Memorial Council, for services necessary to perform the functions of the U.S. Holocaust Memorial Council; jointly, to the Committees on House Administration, Interior and Insular 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. DINGELL: Committee on Energy and Commerce. H.R. 4439. A bill extending the authorization for the Railroad Accounting Principles Board, and for other purposes (Rept. No. 98-594). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee of conference. Conference report on S. 1340 (Rept. No. 98-595). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

Mr. ANDREWS of Texas:

H.R. 4752. A bill to provide that salaries for Federal judges be increased by 3.5 percent, representing the pay comparability adjustment received by Federal officers and employees generally as of the beginning of the current calendar year; to the Committee on the Judiciary.

By Mr. BARNARD:

H.R. 4753. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. BLILEY:

H.R. 4754. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. EVANS of Iowa (for himself, Mr. TAUKE, and Mr. LEACH of Iowa):

H.R. 4755. A bill to amend the Agricultural Act of 1949, to clarify the rules for determining an acreage base for a farm for the 1984 feed grains acreage reduction program; to the Committee on Agriculture.

By Mr. GEKAS:

H.R. 4756. A bill to reduce the rates of pay of Members of Congress by the amount of the increase taking effect on January 1, 1984, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. HILLIS:

H.R. 4757. A bill to amend the Internal Revenue Code of 1954 to continue to allow mortgage bonds to be issued; to the Committee on Ways and Means.

By Mr. LOWRY of Washington (for himself and Mr. DICKS):

H.R. 4758. A bill to amend the Internal Revenue Code of 1954 to allow an additional 5 days during which an employer may request or receive a certification that an individual is a member of a targeted group for purposes of the targeted jobs credit; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H.R. 4759. A bill to amend the Miller Act to provide for the inclusion of interest and legal fees in judgments granted on suits by subcontractors based upon payment bonds, and for other purposes; to the Committee on the Judiciary.

By Mr. MOODY:

H.R. 4760. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish certain requirements with respect to hazardous substances released from Federal facilities, and for other purposes; a jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. RITTER:

H.R. 4761. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide for removal, remedial action, and liability with respect to gasoline and other liquid hydrocarbons which leak from certain underground storage tanks and to establish standards to prevent releases from such tanks into the environment, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. WAXMAN (for himself, Mr. LELAND, Mr. SCHEUER, Mr. MARKEY, Mr. SHARP, Mr. ACKERMAN, Mr. BARNES, Mr. BONIOR of Michigan, Mr. CONYERS, Mr. FRANK, Mr. FORD, of Tennessee, Mr. FRENZEL, Mrs. HALL of Indiana, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. NOWAK, Mr. SPENCE, Mr. STARK, Mr. WEISS, Mr. WHITEHURST, Mr. WILLIAMS of Montana, and Mr. WON PAT):

H.R. 4762. A bill to establish a temporary program under which diacetylmorphine will be made available through qualified pharmacies for the relief of pain from cancer; to the Committee on Energy and Commerce.

By Mr. WEAVER:

H.R. 4763. A bill to require the Architect of the Capitol to design and have constructed bike paths on the Capitol Grounds and convert the parking lot on the east side of the Capitol Building to grass and gardens; to the Committee on Public Works and Transportation.

By Mr. YOUNG of Alaska:

H.R. 4764. A bill to prohibit the importation into the United States of crude petroleum that is the product of Iran; to the Committee on Ways and Means.

By Mr. AUCOIN (for himself Mr. MCCAIN, and Mr. HOYER):

H. Con. Res. 253. Concurrent resolution expressing the sense of the Congress that the provisions of the Internal Revenue Code of 1954 relating to installment sales and the regulations prescribed by the Secretary of the Treasury under such provisions, or any other provisions of the Internal Revenue Code or regulations, should not be modified or amended in any that will alter the manner in which mortgage-backed builder bond transactions are currently taxed; to the Committee on Ways and Means.

By Mr. DINGELL:

H. Res. 426. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Energy and Commerce in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. FUQUA:

H. Res. 427. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Science and Technology in the 2d session of the 98th Congress; to the Committee on House Administration.

By Mr. HAWKINS:

H. Res. 428. Resolution providing for expenses of activities of House Information Systems in the 2d session of the 98th Congress; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

318. Ms. SNOWE presented a memorial of the Legislature of the State of Maine, relative to ending funding for U.S. covert paramilitary operations in Central America; jointly, to the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 624: Mr. OTTINGER and Mr. TRAXLER.

H.R. 1159: Mr. QUILLEN.

H.R. 2188: Mr. LOWRY of Washington.

H.R. 2448: Mr. ERLENBORN, Mr. VANDER JAGT, and Mr. SILJANDER.

H.R. 2468: Mr. FISH, Mr. ECKART, and Mr. HAWKINS.

H.R. 2778: Mr. GILMAN.

H.R. 2977: Mr. MCKERNAN.

H.R. 3442: Mr. TORRICELLI.

H.R. 3870: Mr. LOWERY of California.

H.R. 3961: Mr. CORCORAN.

H.R. 3979: Mr. NOWAK.

H.R. 4094: Mr. DANIEL, Mr. FRANK, Mr. LOWRY of Washington, Mr. TORRICELLI, Mr. WILSON, and Mr. HOWARD.

H.R. 4150: Mr. FRANK, Mr. PEPPER, Mr. BONKER, Mr. WILLIAMS of Ohio, Mr. ECKART, Mr. MCCOLLUM, Ms. MIKULSKI, Mr. MCGRATH, Mr. BATEMAN, Mr. HUTTO, Mr. ENGLISH, Mr. VENTO, and Mr. YOUNG of Missouri.

H.R. 4287: Mr. WON PAT.

H.R. 4307: Mr. CONYERS.

H.R. 4447: Mr. WALGREN, Mr. WAXMAN, Mr. STARK, Mr. LAFALCE, Mr. FLORIO, Mr. EDWARDS of California, Mrs. HALL of Indiana, Ms. MIKULSKI, Mr. STUDDS, Mr. HALL of Ohio, Mr. FAZIO, and Mr. RANGEL.

H.R. 4459: Mr. COYNE.

H.R. 4468: Mr. LEVINE of California, Mr. STARK, Mr. FISH, Mr. MITCHELL, Mr. MOAKLEY, Mr. LELAND, Mr. LAFALCE, Mr. SIKORSKI, Mr. PATTERSON, Mr. WEISS, Mr. WAXMAN, Mr. HEFTEL of Hawaii, Mr. MARTINEZ, Mr. VENTO, Mr. MORRISION of Washington, Mr. WILSON, and Mr. BRITT.

H.R. 4484: Mr. FAUNTROY.

H.R. 4500: Mr. HORTON, Mr. ROBERTS, Mr. ROBERT F. SMITH, Mr. BROWN of Colorado, Mr. SMITH of New Jersey, Mr. SILJANDER, Mr. LAGOMARSINO, Mr. DUNCAN, Mr. HYDE, Mr. DREIER of California, Mr. HILER, Mr. ROE, Mr. STOKES, Mr. WHITEHURST, Mrs. SCHNEIDER, Mr. WALKER, Mr. LOEFFLER, Mr. LENT, and Mr. PATMAN.

H.R. 4522: Mr. STOKES, Mr. BERMAN, Mr. MITCHELL, Mr. HUGHES, Mr. MATSUI, Mr. EVANS of Illinois, Mr. LEVIN of Michigan, Mr. WEISS, and Mr. MURPHY.

H.R. 4553: Mr. OXLEY.

H.R. 4587: Mr. YOUNG of Alaska and Mr. HUTTO.

H.R. 4683: Mr. ACKERMAN, Mr. WILLIAMS of Montana, Mr. RANGEL, Mr. GLICKMAN, Mr. FISH, and Mr. STUDDS.

H.R. 4747: Mr. PERKINS, Mr. DIXON, Mr. HARRISON, Mr. ACKERMAN, Mr. MITCHELL, Mr. FROST, and Mr. FLORIO.

H.J. Res. 10: Mrs. HOLT, Mr. FRENZEL, and Mr. DAUB.

H.J. Res. 271: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDREWS of North Carolina, Mr. ANDREWS of Texas, Mr. APPLEGATE, Mr. ARCHER, Mr. ASPIN, Mr. BARNARD, Mr. BARNES, Mr. BATEMAN, Mr. BERMAN, Mr. BEVILL, Mr. BLILEY, Mr. BOEHLERT, Mr. BOLAND, Mr. BONER of Tennessee, Mrs. LLOYD, Mrs. BOXER, Mr. BREAUX, Mr. BRITT, Mr. BROOMFIELD, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BROYHILL, Mr. BRYANT, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CARNEY, Mr. CARR, Mr. CHANDLER, Mr. CLINGER, Mr. COELHO, Mr. CONABLE, Mr. CONYERS, Mr. CORRADA, Mr. COUGHLIN, Mr. COYNE, Mr. CROCKETT, Mr. DANIEL, Mr. DASCHLE, Mr. DAUB, Mr. DEWINE, Mr. DICKS, Mr. DIXON, Mr. DOWDY of Mississippi, Mr. DUNCAN, Mr. DWYER of New Jersey, Mr. DYMALLY, Mr. DYSON, Mr. ECKART, Mr. EDGAR, Mr. EDWARDS of California, Mr. EMERSON, Mr. EVANS of Iowa, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FEIGHAN, Mr. FISH, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORSYTHE, Mr. FOWLER, Mr. FRANK, Mr. FRENZEL, Mr. FUQUA, Mr. GEJDENSON, Mr. GEKAS, Mr. GOODLING, Mr. GRADISON, Mr. GRAMM, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HAMMERSCHMIDT, Mr. HANCE, Mr. HANSEN of Utah, Mr. HARRISON, Mr. HARTNETT, Mr. HAWKINS, Mr. HEFNER of North Carolina, Mr. HIGHTOWER, Mr. HILER, Mr. HILLIS, Mr. HOPKINS, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HUTTO, Mr. HYDE, Mr. JACOBS, Mr. JEFFORDS, Mr. JENKINS, Mrs. JOHNSON, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASICH, Mr. KEMP, Mr. KINDNESS, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANTOS, Mr. LELAND, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LEWIS of Florida, Mr. LONG of Maryland, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. LUKEN, Mr. LUNDINE, Mr. LUNGREN, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCEWEN, Mr. MCHUGH, Mr. MCKERNAN, Mr. MCNULTY, Mr. MACKAY, Mr. MADIGAN, Mr. MARKEY, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mr. MAZZOLI, Ms. MIKULSKI, Mr. MILLER of Ohio, Mr. MINETA, Mr. MINISH, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MOODY, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MURPHY, Mr. NOWAK, Ms. OAKAR, Mr. OBERSTAR, Mr. O'BRIEN, Mr. OLIN, Mr. ORTIZ, Mr. OWENS, Mr. OXLEY, Mr. PACKARD, Mr. PAUL, Mr. PETRI, Mr. PRICE, Mr. PRITCHARD, Mr. PURSELL, Mr. QUILLEN, Mr. REGULA, Mr. REID, Mr. RINALDO, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROEMER, Mr. ROGERS, Mr. ROSE, Mr. ROWLAND, Mr. SABO, Mr. ST GERMAIN, Mr. SAWYER, Mr. SCHEUER, Mrs. SCHNEIDER, Mr. SCHUMER, Mr. SIKORSKI, Mr. SIMON, Mr. SISISKY, Mr. SKELTON, Mr. SMITH of Florida, Mr. ROBERT F. SMITH, Mr.

SNYDER, Mr. SOLARZ, Mr. SOLOMON, Mr. STANGELAND, Mr. STENHOLM, Mr. STOKES, Mr. STRATTON, Mr. STUMP, Mr. SUNIA, Mr. SWIFT, Mr. TALLON, Mr. TAUKE, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDERGRIFF, Mr. VENTO, Mr. VOLKMER, Mr. WALGREN, Mr. WATKINS, Mr. WAXMAN, Mr. WEISS, Mr. WHITEHURST, Mr. WILSON, Mr. WINN, Mr. WOLF, Mr. WOLPE, Mr. WON PAT, Mr. WORTLEY, Mr. WYDEN, Mr. WYLIE, Mr. YATRON, Mr. YOUNG of Alaska, Mr. YOUNG of Missouri, Mr. ZABLOCKI, Mr. ZSCHAU, Mr. MARRIOTT, Mr. DINGELL, Mr. HANSEN of Idaho, Mr. SHARP, Mr. VANDER JAGT, Mr. CARPER, Mr. DE LA GARZA, and Mr. BIAGGI.

H.J. Res. 360: Mr. BATEMAN.

H.J. Res. 399: Mr. PORTER.

H.J. Res. 429: Mr. CROCKETT, Mr. BATES, and Mr. FORSYTHE.

H.J. Res. 432: Mr. ACKERMAN, Mr. PANETTA, Mr. TORRICELLI, Mr. BATEMAN, Mr. O'BRIEN, Mr. FRENZEL, Mrs. HOLT, Mr. HUGHES, Mr. GRAY, Mr. LAFALCE, Mr. JEFFORDS, Mr. GUARINI, Mr. FISH, Mr. RUDD, Mr. VENTO, Mr. FROST, Mr. BEILENSON, Mr. LEVIN of Michigan, Mr. BRITT, Mr. LOWRY of Washington, and Mr. D'AMOURS.

H.J. Res. 437: Mr. CROCKETT, Mr. LEVINE of California, Mr. JEFFORDS, Mr. FORD of Michigan, Mr. CONTE, Mr. ANDREWS of North Carolina, Mr. OWENS, Mr. BERMAN, Mr. WAXMAN, Mr. MORRISON of Connecticut, Ms. KAPTUR, Mr. DOWNEY of New York, Mr. CORCORAN, Mr. SKELTON, Mr. PANETTA, Mr. RICHARDSON, Mr. MILLER of California, Mr. HUGHES, Mr. BEVILL, Mr. FRANK, Mr. BONER of Tennessee, Mr. EVANS of Illinois, Mr. SOLARZ, Mr. GILMAN, Mr. BRITT, Mr. LONG of Louisiana, Mr. GRAY, Mrs. BOXER, Mr. SIMON, Ms. MIKULSKI, Mr. FAZIO, Mrs. HOLT, Mr. O'BRIEN, Mr. ANNUNZIO, Mr. MACKAY, Mr. LEVIN of Michigan, Mr. SILJANDER, Mr. JONES of North Carolina, Mr. VANDERGRIFF, Mr. HOYER, Mr. WILLIAMS of Ohio, Mr. SMITH of Florida, Mr. LAGOMARSINO, Mr. SISISKY, Mr. REGULA, Mr. GUARINI, Mr. LEWIS of Florida, Mr. TALLON, Mr. MONTGOMERY, Mr. LIPINSKI, Mr. DUNCAN, Mr. COUGHLIN, Mr. HYDE, Mr. HORTON, Mr. GREEN, Mr. CLINGER, Mr. ROTH, Mr. DIXON, Mr. WEISS, Mr. HORTON, Mr. BATEMAN, Mr. HOPKINS, Mr. YOUNG of Florida, Mr. MARTINEZ, Mr. FROST, and Mr. CRAIG.

H. Con. Res. 231: Mr. MATSUI, Mr. RODINO, Mr. MITCHELL, Mr. STOKES, Mr. WEISS, Mr. CROCKETT, Mr. SISISKI, Mr. WALGREN, Mr. BERMAN, Mr. BRYANT, Mr. MURPHY, Mr. HAWKINS, Mr. DASCHLE, Mr. BATES, Mr. HANSEN of Idaho, Mr. HUBBARD, Mr. DIXON, Mr. DOWNEY of New York, Mr. LANTOS, Mr. WON PAT, Mr. FAZIO, Mr. LELAND, Mr. CONYERS, Mr. LONG of Maryland, Mr. ACKERMAN, Mr. MCNULTY, Mr. FAUNTROY, Mr. MOAKLEY, Mr. WAXMAN, Mr. DE LA GARZA, Mr. PATTERSON, Mr. SAVAGE, Mr. DYMALLY, Mr. OWENS, Mr. SUNIA, Mr. HAYES, Mr. MARKEY, Mr. CARPER, Mr. MORRISON of Connecticut, Mr. OBERSTAR, Mr. YOUNG of Missouri, Mr. WYDEN, Mr. CORRADA, Mr. BARNES, Mr. SEIBERLING, Ms. KAPTUR, Mr. LEHMAN of California, Mr. LEVIN of Michigan, Mr. SHARP, Mr. MCDADE, Mr. SIMON, Mr. TOWNS, Mr. STUDDS, Mr. RANGEL, and Mr. FEIGHAN.

H. Con. Res. 239: Mr. KOLTER, Mr. HOYER, Mr. LELAND, Mr. FLORIO, Mr. GRAY, Mr. MOODY, Mr. HUGHES, Mr. JEFFORDS, Mr. O'BRIEN, Mr. PURSELL, Mr. OTTINGER, Mr. MRAZEK, Mr. GREEN, Mr. MATSUI, Mr. FRENZEL, Mr. MARTINEZ, Mr. WEISS, Mr. WON PAT, and Mr. WISE.

H. Con. Res. 242: Mr. RATCHFORD, Mr. MCNULTY, Mr. WEISS, Mr. MILLER of Ohio, Mr. RANGEL, and Mr. OXLEY.

H. Con. Res. 248: Mr. LAFALCE, Mr. ST GERMAIN, and Mr. YOUNG of Missouri.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 555

By Mr. GEJDENSON:

—Page 8, line 17, insert new subsection 2:

"(2) the applicant has initiated or has sought regulatory approval necessary to undertake programs, including financial assistance, designed to bring about the utilization of measures identified in subsection (d)(3) of this section and which are not expected to be implemented without utility assistance,".

Redesignate subsection (g)(2) as (g)(3).

—Page 4, line 21, strike period after natural gas and insert: ", if such conversion has been shown to be the least-cost method to replace the equivalent amount of oil or natural gas.".

—Page 4, line 17, strike subsection 1 and insert:

(1) "the costs of retrofitting any existing pollution control facility".

—Page 9, line 13, strike "40 per centum" and insert: "30 per centum".

EXTENSIONS OF REMARKS

TRIBUTE TO LINDEN BURZELL

HON. PETE WILSON

OF CALIFORNIA

IN THE SENATE OF THE UNITED STATES

Monday, February 6, 1984

● Mr. WILSON. Mr. President, in honor of his retirement, I would like to take this occasion to pay tribute to Linden Burzell.

As a prominent member of the San Diego County community, Linden Burzell has enjoyed a most distinguished career with the San Diego County Water Authority. He officially retired on December 30, 1983, after achieving the position of general manager and chief engineer. This high position demonstrates the leadership and talent Linden gave both to his career and to his community. He has achieved remarkable success on behalf of the water authority and will be long remembered for the realization of the water authority's solid financial position.

He retires with honor and the gratitude of a community which he so long and ably served.●

A SALUTE TO AMNESTY INTERNATIONAL AND THE INEXTINGUISHABLE CAUSE OF HUMAN RIGHTS

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. BARNES. Mr. Speaker, I wish to bring to the attention of my colleagues an article by Anthony Lewis that appeared in the New York Times while we were in recess. In the article, Mr. Lewis explains why the cause of human rights is so powerful, and why the Reagan administration has been unsuccessful in removing human rights as a factor in American foreign policy. He also pays tribute to Amnesty International, "the best source of information on what individuals suffer at official hands," for its work on human rights. I have valued Amnesty International's many contributions to the work of the Subcommittee on Western Hemisphere Affairs, which I have the honor to chair, and I am pleased to share this salute to Amnesty International and the cause of human rights with my colleagues.

The article follows:

[From the New York Times, Dec. 12, 1983]

THE FLAME BURNS

(By Anthony Lewis)

BOSTON, Dec. 11—It was an extraordinary piece of unintended symbolism: the Soviet Union paying tribute to the power of human rights as an idea. That was the result of a curious event in Moscow last week.

Officials called a press conference to mark United Nations Human Rights Day. It turned into an attack on Andrei Sakharov, the great Soviet physicist whose advocacy of human rights led to his exile in Gorky. Sakharov was "cuckoo," an official said, tapping his head; Sakharov asked the United States to carry out a nuclear attack on the U.S.S.R.

So here is a frail worn man, isolated in a closed Russian city, hounded by secret policemen, and he still worries the state—worries it enough to call for preposterous official slander. What better testament could there be to the power of a single individual, holding fast to the human ideal against all the crushing apparatus of the modern state?

As with Sakharov, so with the standing of human rights in the world generally. Scorned and traduced, the idea survives. Indeed, it seems to take a deeper hold on the minds of men and women as they suffer new tyranny. The paradox is one relieving phenomenon in a harsh age, a time when people everywhere are discouraged and fearful.

Look to almost any corner of the earth today, and you see governments engaging in political detention, torture and murder. Orwell's vision of physical cruelty as the instrument of authority has become almost commonplace.

Amnesty international is the best source of information on what individuals suffer at official hands. It is dispassionate in its rejection of inhumanity, and the universality of its approach makes the essential point that human beings everywhere are entitled to integrity of body and spirit. Wherever those rights are violated, by officials of whatever ideology, we who are free should be protesting.

The detailed reports put out by Amnesty makes horrifying reading. A recent one on Syria described the beating and electrical torture of prisoners and the cold-blooded killing of more than 1,000 by their guards.

Of course no one country has a monopoly on horror. Murder is the technique of political intimidation used by right-wing governments in El Salvador and Guatemala. Revolutionary Iran kills people simply because they practice the Bahai faith. The Turkish military has imprisoned and tortured those who favor democracy.

The Soviet Union has invented new "crimes" and speeded up the confinement of dissidents in psychiatric wards and labor camps. Indonesia continues to brutalize East Timor. South Africa maintains its racial system by intensified repression, operating sometimes now through the facade of a Ciskei, a murderous nightmare set up as a so-called independent state.

And yet, and yet. . . . There is some reason for hope. The worst that Orwell foresaw was the expunging of the very idea of human decency; he showed us a future in which the people as a whole knew nothing of love or kindness or truth. And that has not happened. To the contrasting public concern for human rights has intensified and become a significant political reality.

Consider what has happened in the United States. President Reagan set out to eliminate human rights as an effective factor in American foreign policy. He would use the issue against Communist governments but would not penalize others no matter how murderous. And so he cuddled up to mass murderers in Guatemala; his one-time Secretary of State mocked the churchwomen killed in El Salvador; his Ambassador to the United Nations courted the generals who spread death in Argentina.

But for all of Ronald Reagan's popularity, that policy was unacceptable to Americans. They could not understand why torture should be forgiven if done by a "friendly government." And so the Reagan Administration has had to reverse at least the appearance of its policy, criticizing the Salvador death squads even while acting to continue military aid despite them.

Support for human rights has turned out to matter in our foreign relations, too. The dramatic example is Argentina, whose new civilian president, Raul Alfonsin, was a leading civil rights campaigner. He has said that thousands of Argentinians lived because of the Carter Administration's pressure against the killers in the military regime. He and other democrats in Latin America want U.S. leadership for human rights.

To be effective, the concerned must be indivisible. Amnesty is making that point now in pressing what it calls a Universal Appeal for Amnesty for All Prisoners of Conscience. People in 120 countries have signed petitions to that end. The first to sign, secretly and a remote place, was the man who suggested the idea: Andrei Sakharov.●

MILITARY WIVES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. WOLF. Mr. Speaker, columnist Erma Bombeck recently called attention to the contributions made to our Nation by military wives. The wives of our Armed Forces personnel have difficult jobs, yet they give unselfishly to help their husbands in the important roles they play in maintaining our national security. I am pleased to bring this article to the attention of Members of Congress.

ERMA

(By Erma Bombeck)

Early last year I wrote a column on military wives saying they had never been honored for their contribution to understanding

throughout the world and personal sacrifice to this country they represent.

Last September, Margaret Hudson of Columbus, Miss., made history. She became the first wife to be so honored. When her husband, Col. James D. Hudson, retired from the Department of the Air Force, Margaret was given a special certificate of appreciation.

The tribute was three lines long. It said she had earned "grateful appreciation for her own unselfish, faithful, and devoted service. Her unfailing support and understanding helped to make possible her husband's lasting contribution to the Nation."

There were a lot of memories between those three lines.

Support. A husband who flew 30 missions to Germany in WW II, participating in the Korean War and the Berlin Airlift.

Unselfishness. An if-not-single-then-unescorted parent who attended family birthdays, Christmases and graduations alone.

Understanding. Never knowing where her husband was assigned or when (and if) he'd be back. And the hard part: staying overseas when he returned to the States and not being allowed to go with him.

Contribution. In Bolivia on diplomatic duty where she was assaulted, becoming the first woman assigned overseas to be injured. A revolution where their home was invaded by 36 soldiers with machine guns.

Appreciation. Two tours of Vietnam.

Margaret Hudson would be the first to say she is not unique in the annals of wives whose job it is to follow and wait.

Military wives, as well as others whose husbands follow orders, have been doing it for years since some warrior picked up the first rock.

The point is, every 15 seconds in this country an award is given for something. (If you're counting country-Western performers, make that every two seconds.)

Awards made you feel good every time you dust them.

They don't cost a lot, but every time you look at them, you remember how great you felt when you received them.

Margaret accepted her award before a group of 50 people. There were no news media there. Coffee and doughnuts were served.

Forgive me, Margaret, but I had to share this with 31 million readers. They're applauding. I hope you can hear it.●

LAKE WORTH POLICE SERGEANT STROHACKER HONORED AS LAW OFFICER OF THE YEAR

HON. DAN MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. MICA. Mr. Speaker, the outstanding service of Lake Worth Police Sgt. Roy Dean Strohacker has earned him the gratitude and respect of the citizens of Palm Beach County, Fla. I share their pride and submit for the RECORD two articles published in the Palm Beach Post on December 10, 1983, on the occasion of Sergeant Strohacker's receipt of the Distinguished Law Officer of the Year Award.

[From the Palm Beach Post, Dec. 10, 1983]

LW SERGEANT OFFICER OF YEAR IN PB COUNTY

(By Tony Wharton)

Lake Worth Police Sgt. Roy Dean Strohacker received the Distinguished Law Officer of the Year award for Palm Beach County last night from The Post and the Evening Times, marking the second year in a row a Lake Worth officer has been selected.

When he heard his name announced, Strohacker rocked back in his chair, then turned and kissed his wife Caroline.

"Not enough credit is given to law officers in this county. That this was done is a marvelous thing," Strohacker told a crowd of nearly 200 in the Hyatt Palm Beaches. "I'm greatly honored, but I share this award with all of these gentlemen and with my wife."

The 1982 award was given to Lake Worth Police Sgt. Alfred Steinmetz. The first award in 1981 went to West Palm Beach patrolman Jeffrey Baker.

Lake Worth Police Chief Lee Reese said "Two years in a row certainly pleases me. Roy deserved it as much as Sgt. Steinmetz. He's a fine person and officer."

Post Editor Tom Kelly and Evening Times Editor Jack Foster gave Strohacker an original metal sculpture designed for the award as well as a check for $1,000.

In his 14 years with the Lake Worth Police Department, Strohacker has served in every division. He is currently an undercover vice officer and is a polygraph operator.

Strohacker specializes in intelligence on motorcycle gangs and has been cited for his work in the field by the Florida Intelligence Unit.

Last year Strohacker prevented the rape of a young girl by a suspect with a history of rape and murder. He directed a Rape Task Force in Lake Worth this year which cleared up five rapes with the arrest of two people.

A second-degree black belt in karate, Strohacker gives free karate clinics and lectures on self-defense.

He got into police work while he was a karate instructor and has never regretted it.

He was educated in Ohio public schools, at Palm Beach Junior College and Florida Atlantic University. He also has taken numerous professional training classes.

Strohacker married Caroline 13 years ago and has a 7-month-old son named Jerry.

Strohacker, who reads and translates Japanese, has a Japanese sword collection which is a familiar fixture at shows in local malls and auditoriums. He is also an amateur banjo player.

Strohacker was chosen from a field of 11 nominees. The others were Atlantis Cpl. Jack Allen and patrolman Jack Law, West Palm Beach patrolman Donald Black, Boca Raton Detective John Brady Jr., Belle Glade Detective Albert Dowdell III, Lake Park patrolman William Harrison Jr., Palm Beach patrolman Christopher Morris, sheriff's Detective Richard Oetinger, Bonton Beach patrolman David Nissensohn and Delray Beach Sgt. Frederick Zieglar.

AN OFFICER OF DISTINCTION

Sgt. Roy Dean Strohacker is both an outstanding police officer and an outstanding citizen. He is as diligent at preventing crimes as at solving them. *The Post* is proud to join with the *Evening Times* in honoring him as the 1983 Palm Beach County Distinguished Law Officer of the Year.

Strohacker has received numerous commendations during his 14 years with the Lake Worth Police Department. Three times he has received monthly awards: once for a lengthy rape investigation that resulted in an arrest, once for averting a sexual assault and once for cracking a burglary ring.

In 1973 he rescued the occupant of an auto stalled on the railroad tracks in front of an oncoming train. In 1975 he saved three persons from a burning house. He has participated with distinction in many drug busts, including one in which 6½ tons of marijuana and 70 pounds of Quaaludes were seized.

In his off-duty hours he advises a Rainbow Girls youth group, plays with the Gold Coast Banjo Club, collects Japanese swords and teaches karate. He belongs to the Fraternal Order of Police, Police Benevolent Association, Masonic Lodge, Scottish Rite Lodge, Amara Shrine, Eastern Star and Moose Club. He has been involved with the Florida Intelligence Unit and is a licensed polygraph operator. He reads and translates Japanese.

Roy Dean Strohacker has fullfilled with distinction the trust society has placed in him as a law officer. Well done.●

CULTURAL CONSERVATION STUDY RELEASED

HON. JOHN F. SEIBERLING

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. SEIBERLING. Mr. Speaker, I would like to commend to the attention of my colleagues a publication which has just appeared, entitled Cultural Conservation: The Protection of Cultural Heritage in the United States (Washington, Library of Congress, 1983). It is an attractively printed and well-illustrated volume. More important, it addresses in a comprehensive manner a range of issues of immediate relevance to historic preservation and related cultural efforts around the United States.

The request for this report came from the 96th Congress, and was included in the National Historic Preservation Act amendments of 1980 (Public Law 96-515). Section 502 of that act specifically directed that:

The Secretary (of the Department of the Interior) in cooperation with the American Folklife Center of the Library of Congress shall, within two years after the date of the enactment of this Act, submit a report to the President and the Congress on preserving and conserving the intangible elements of our cultural heritage such as arts, skills, folklife, and folkways. The report shall take into account the view of other public and private organizations, as appropriate. This report shall include recommendations for legislative and administrative actions by the Federal Government in order to preserve, conserve, and encourage the continuation of the diverse traditional prehistoric, historic, ethnic, and folk cultural traditions that underlie and are a living expression of our American heritage.

Requests from the Congress for such reports have not always led to satisfactory results. In this case, I am happy to observe that the National Park Service and the American Folklife Center at the Library of Congress have collaborated closely and effectively to draw together the final report and recommendations.

Further, they have consulted a wide variety of organizations and individuals around the country in an effort to provide a balanced perspective. Seven distinguished consultants from the field of anthropology, archeology, folklore, and folklife, and historic preservation met periodically to guide the development of the study: Steven F. Arvizu, California State University, Sacramento; James Deetz, Lowie Museum, University of California, Berkely; Henry Glassie, Unviersity of Pennsylvania; Archie Green, retired from the University of Texas, Austin; Ruthann Knudson, Woodward-Clyde Consultants, San Francisco; John Peterson, Mississippi State University; and Robert E. Stipe, Chapel Hill, NC.

Essentially the study strives to integrate efforts in historic preservation with a broader concept of "cultural conservation," including not only tangible elements for preservation such as historical buildings and archeological sites, but also the intangible cultural expressions representing the traditional culture of regional, ethnic, and occupational groups in the United States. Certainly there has been a growing understanding among people involved with historic preservation that there was an important relationship between the tangible and intangible elements of our culture, but I hope this study will help us be more effective in dealing with our cultural heritage in a better integrated fashion.

In that regard, I am pleased to note that the Secretary of the Interior, in a letter of June 1 to the President and the Congress, embraced a number of aspects of this report and instructed the National Park Service, in consultation with the American Folklife Center, to undertake a number of administrative actions to carry out the reports' recommendations.

The report cites public events as one of the ways to encourage the preservation of our rich folk culture. An excellent example of how the Federal Government and interested organizations are already working in this area is the National Folk Festival, which was held in the Cuyahoga Valley National Recreation Area, between Cleveland and Akron, last fall. The festival—this year's was the 45th annual festival—is sponsored by the National Council for the Traditional Arts, headed by Joe T. Wilson.

The weekend-long celebration, which drew over 25,000 visitors, included some of the best of the tamburitzan, polka, and bluegrass bands and gospel choirs found in Ohio, as well as an opportunity for some cultural cross-pollinization through the introduction of Cajun, Mexican, Chicago Blues, and other disparate musical forms. The festival was the product of two ideals: The preservation of our natural and scenic resources, through the efforts of the National Park Service, and the preservation of our cultural and folk heritage, which is the goal of the National Council for the Traditional Arts. The two combined their complementary ojectives to present this extraordinary event in a most appropriate setting—and are sponsoring similar annual events in other parks across the Nation.

Special mention should be made of several others who helped make the report possible, particularly Alan Jabbour, director of the American Folklife Center, and Peter Bartis, or the American Folklife Center; Russell Dickenson, Director of the National Park Service, and Jerry Rogers, Bennie Keel, and Larry Aten of the National Park Service: and Ormond H. Loomis, coordinator of the cultural conservation study and director of the Florida folklife program.

Following is the executive summary or the report, which provides further background on the issue, a general explanation of cultural conservation, and the major recommendations for further action that needs to be taken.

The summary follows:

EXECUTIVE SUMMARY

BACKGROUND

In amending the National Historic Preservation Act of 1966, the 96th Congress realized that the existing Historic Preservation Program fails to provide clear coverage for the full range of cultural resources in the United States. Historic properties are the sole type of resource specified for protection and benefits. When not embodied in a structure or site, intangible elements of our cultural heritage fall outside the scope of this law.

The people of the United States treasure their distinctive roots and strive to perpetuate the richness of their cultural heritage in its intangible as well as tangible aspects. Productivity, freedom, and unity come from our cultural diversity. Over a century of policy and programs reflects the Federal commitment to cooperate with private initiatives toward the protection of cultural heritage. Yet the resulting assortment of efforts does not adequately protect the complete spectrum of cultural resources.

Extending appropriate protection and benefits to valuable cultural resources that have no tangible form is complicated. A variety of work relates, but provides no simple solutions. Cultural preservation and cultural encouragement, though mutually dependent, operate in distinct ways. Efforts as diverse as documentation and archiving, museum exhibits, festivals, books, and preservation plans can all contribute in positive ways.

The issue bears on a modest but significant investment of Federal energies. The national historic preservation program requires Federal agencies to assess and account for cultural resources in the development of their undertakings. The National Environmental Policy Act of 1969 acknowledges the importance of the human environment and traditional lifeways in evaluating the total environment. Apart from historic preservation and environmental policy, a number of Federal agencies affect the development of community life through work in folklife and related cultural programs.

The term "folklife" is useful in addressing the problem. Defined in the American Folklife Preservation Act of 1976 as "the traditional expressive culture shared within the various groups in the United States: familial, ethnic, occupational, religious, regional," folklife encompasses the areas of community life and values omitted by historic preservation. These areas involve the living heritage of a people. A closer coordination of work in folklife and historic preservation seems appropriate.

CULTURAL CONSERVATION

Cultural conservation is a concept for organizing the profusion of private and public efforts that deal with traditional community cultural life. It envisions cultural preservation and encouragement as two faces of the same coin. Preservation involves planning, documentation, and maintenance; and encouragement involves publication, public events, and educational programs.

In application, cultural conservation means a systematic, coordinated approach to the protection of cultural heritage. The national historic preservation program supports planning, documentation, and maintenance for properties. The Folk Arts Program of the National Endowment for the Arts supports presentations of traditional arts. Programs at the National Endowment for the Humanities support scholarly interpretation of subjects related to folklife. Thinking of these and other national efforts in terms of cultural conservation will give new perspectives in shaping policies and programs.

Of the strategies that make up cultural conservation, documentation stands out because it can give intangible elements of cultural heritage tangible form. Information which identifies and describes folklife can be archived for reference; used in the development of publications, public events, and educational programs; and considered in the decision-making for historic preservation planning. At this time, documentation is underutilized in the combined national effort toward cultural conservation.

Current developments suggest an important direction of state and local activities. State Historic Preservation Offices already do planning, documentation, and maintenance to preserve cultural properties. A growing assortment of ethnic culture, folk arts, oral history, and other community programs work to develop the kinds of publications, public events, and educational programs necessary to encourage cultural heritage. In effect, these programs constitute emergent folklife offices. Association between the two types of programs seems inevitable nationwide, and imminent in several states.

RECOMMENDATIONS

To enable the Federal government to cooperate in the directions shown by private, local and state initiatives the following steps are needed:

Include folklife and related traditional lifeways among the cultural resources recognized by the National Historic Preservation Act and the National Environmental Policy Act;

Make the Secretary of the Interior a member ex efficio of the Board of Trustees of the American Folklife Center and the Librarian of Congress a member ex officio of the Advisory Council on Historic Preservation to increase the linkage and coordination of these key agencies;

Develop a standing memorandum of agreement between the National Park Service and the American Folklife Center to delineate and coordinate their efforts;

Establish an ongoing documentation program in the Department of the Interior and the Library of Congress to identify and preserve a record of folklife and other living elements of cultural heritage in the United States; and

Increase the recognition given to areas of traditional community life and values in the work of a number of agencies.

The report urges the President, the Congress, and the appropriate agencies to take action on all these points.●

VOTING RECORD OF HON. DONALD J. PEASE

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. PEASE. Mr. Speaker, it has become my practice to periodically insert in the CONGRESSIONAL RECORD a list of key votes that I have cast in the U.S. House of Representatives.

The list is arranged in this manner: Each item begins with the number of the bill or resolution that the House was considering and is followed by a summary of the issue. This is followed by my own vote on the issue, whether the matter passed or failed, and the vote outcome.

This list of votes covers the period of June 2, 1983, through the end of the 1st session of the 98th Congress.

KEY VOTES OF CONGRESSMAN DON J. PEASE

(149) H.R. 3133. Amendment to HUD-Independent Agency Appropriations Bill prohibiting the imposition of sanctions under the Clean Air Act in areas that fail to attain national ambient air quality standards. Yes. Passed 227-136.

(150) H.R. 3133. Amendment to HUD-Independent Agency Appropriations Bill prohibiting the use of funds provided under the bill to deny legitimate job opportunities. Yes. Passed 241-120.

(153) S. 639. Lebanon Emergency Assistance Act requiring the president to get congressional authorization before substantially increasing the number or role of U.S. armed forces in Lebanon. Yes. Passed 276-76.

(164) H.R. 3132. Amendment to Energy and Water Development Appropriations deleting $26 million earmarked for the Stonewall Jackson Dam in West Virginia. Yes. Passed 213-161.

(169) H.R. 1271. Certification of Salvadoran Murders Investigation. Requiring the president to make a fourth certification that the Salvadoran government has made good faith efforts to investigate the murders of eight U.S. citizens in El Salvador and to bring to justice those responsible. This certification was a condition for the U.S. to continue to provide aid to El Salvador. Yes. Passed 416-2.

(171) H.R. 2355. Vietnam Jobs Training. Establishing temporary emergency program of on-the-job and vocational training for Vietnam era veterans. Yes. Passed 407-10.

(177) H.R. 3191. Amendment to Treasury, Postal Service, and General Government Appropriations, reducing the amount provided for former presidents from $1,171,000 to $260,000. Yes. Passed 244-169.

(178) H.R. 3191. Amendment to Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1984 prohibiting the use of federal employee health plan benefits to pay for an abortion, except when the life of the woman was endangered. No. Passed 226-182.

(183) H.R. 2195. Amendment to State Department Authorization eliminating funding for the Democratic and Republican party institutes that were to be set up as part of a National Endowment for Democracy. The bill would have provided $5 million in each fiscal year for the party institutes. Yes. Passed 267-136.

(187) H.R. 2062. National Marine Sanctuaries. Establishing specific guidelines for the selection of national marine sanctuaries, providing congressional review of proposed sites, and expanding public participation in the selection process. Yes. Passed 379-38.

(188) H.R. 2969. Amendment to Defense Department Authorization deleting all funding ($19.4 million) for procurement of anti-satellite space weapons. Yes. Failed 177-243.

(189) H.R. 2969. Amendment to Department of Defense Authorization to prohibit multiyear procurement of the B-1B bomber. Yes. Failed 171-252.

(195) H.R. 2969. Amendment to Defense Authorization deleting $6.17 billion for procurement of B-1B bombers. Yes. Failed 164-255.

(196) H.R. 2969. Amendment to Defense Authorization delaying final production of binary chemical munitions until October 1, 1985, but would have deleted all funding ($114.6 million) for production of binary chemical weapons. No. Failed 202-216.

(197) H.R. 2969. Amendment to Defense Department Authorization deleting all funding ($114.6 million) for production of binary chemical weapons (nerve gas). Yes. Passed 256-161.

(199) H.R. 1590. Emergency Food Assistance and Commodity Distribution Act. Requires the Department of Agriculture, after meeting other commitments to domestic and foreign programs, to distribute government-owned surplus stocks to food banks and other emergency feeding centers. Yes. Passed 389-19.

(202) H.R. 2969. Amendment to Department of Defense Authorization to delete all funding provided in the bill for procurement of the Pershing II missile. No. Failed 73-319.

(207) H.R. 3329. Transportation Department and Related Agencies Appropriations for fiscal year 1984. Motion to bar consideration of an amendment prohibiting the Transportation Department from imposing sanctions on states for failure to adopt inspection and maintenance programs for motor vehicles as required by the Clean Air Act. Yes. Passed 275-139.

(208) H.R. 3329. Transportation Department and Related Agencies Appropriations for fiscal year 1984. Motion for a 4 percent across-the-board cut in all programs. No. Failed 191-223.

(214) H. Con. Res. 91. First Budget Resolution for fiscal year 1984. The conference agreement provided for an FY 1984 budget of $928.7 billion in budget authority, $858.9 billion in outlays, $679.6 billion in revenues, and a deficit of $179.3 billion. It also included 5 percent real increase in defense spending, additional revenues of $12 billion in FY 1984 and $73 billion over three years, and set aside $8.5 billion in FY 1984 outlays for a reserve fund that could be used only for particular programs to aid the unemployed and stimulate economic recovery and for no other purpose. Yes. Passed 239-186.

(217) H.R. 1183. Tax Rate Equity Act. Motion to recommit with instructions H.R. 1183. Instructions would have eliminated all existing provisions of the bill and replaced these with a substitute measure, which would have mandated enactment of legislation by October 1, 1983, sufficient to reduce FY 1984 outlays by at least $12 billion below the most recent Congressional Budget Office baseline spending estimate. No. Failed 181-241.

(218) H.R. 1183. Tax Rate Equity Act. Placing a limit on the maximum tax reduction resulting from the third installment of the personal income tax rate cuts enacted in 1981 to $720 for joint returns, $637 for single taxpayers, and $673 for unmarried heads of households. Yes. Passed 229-191.

(224) H.R. 3363. Department of the Interior and Related Agencies Appropriations for fiscal year 1984. Appropriating $8.1 billion for the Department of the Interior, energy conservation and other Energy Department programs, Indian programs, Forest Service, and other related agencies. Yes. Passed 272-144.

(231) H.R. 2668. Consumer Product Safety Act Amendments. Amendment providing for reauthorization of the Consumer Product Safety Commission at a sharply lower budget figure than that recommended by the Energy and Commerce Committee. No. Passed 238-177.

(236) S. 273. Measure reauthorizing the Small Business Administration pilot procurement program, which helped minority-owned small firms receive federal contracts. Yes. Passed 367-6.

(241) H.R. 1. Housing and Urban-Rural Recovery Act. Amendment prohibiting federal assistance under the new multifamily rental production program established in the bill for communities that impose rent controls on newly constructed, non-subsidized housing. No. Failed 206-208.

(243) H.R. 1. Amendment to Housing and Urban-Rural Recovery Act permitting borrowers and lenders to negotiate interest rates on Federal Housing Administration-insured mortgage loans. No. Passed 223-201.

(247) H.R. 1. Housing and Urban-Rural Recovery Act. Authorizing $24.6 billion in fiscal year 1984 for assisted housing programs, community development block grants, urban development action grants, rural housing and a new low-income rental housing program. Yes. Passed 263-158.

(248) H.R. 2769. Caribbean Basin Economic Recovery Act. A modified closed rule making in order only Ways and Means Committee amendments which could not be amended. The rule did not make in order an amendment that would have provided for the human rights of Caribbean Basin workers, tightened the Caribbean Basin products from duty-free treatment, and removed Taiwan, Korea, and Hong Kong from duty-free treatment under the Generalized System of Preferences. Yes. Passed 212-204.

(250) H.R. 2769. Caribbean Basin Recovery Act. Authorized the president to grant 12 years of duty-free treatment on U.S. im-

ports of certain articles from 28 Caribbean Basin countries and territories. Yes. Passed 289-129.

(257) H. Res. 266. Motion to recommit H. Res. 266, Reprimand of Rep. Daniel B. Crane. The motion provided that the resolution be reported back to the House forthwith containing an amendment changing the sanction from reprimand to censure. No. Passed 289-136.

(262) H.R. 2969. Defense Authorization for FY 1984. Amendment deleting $2.5 billion for the procurement of the first 27 MX missiles. Yes. Failed 207-220.

(270) H.R. 2969. Amendment to Department of Defense Authorization to limit the number of U.S. military advisers stationed in El Salvador to 55. Yes. Failed 170-247.

(274) H.R. 2969. Amendment to Department of Defense Authorization making permanent an exemption to the "Maybank amendment," which prohibited use of any criteria in the awarding of contracts other than the lowest bid. The amendment directed that contract bids from high unemployment areas be treated equally with those from other areas, even if they were up to 2.2 percent higher in price, and increased the amount of money that could be spent annually on such contracts from $4 billion to $7 billion. Yes. Passed 218-201.

(275) H.R. 2969. Department of Defense Authorization Bill providing funds for procurement, research and develoment, and operations and maintenance. Yes. Passed 305-114.

(285) H.R. 2760. Prohibit U.S. Covert Assistance to Nicaraguan Rebels and authorize $80 million in overt aid to the governments of Central American countries to stop the flow of arms across their borders, from Nicaragua and Cuba. Yes. Passed 228-195.

(294) H.R. 3069. Supplemental Appropriations for 1983. Motion to appropriate $8.5 billion for the International Monetary Fund. Yes. Failed 165-213.

(304) H.R. 3706. Establishing a federal holiday on the third Monday of January to commemorate the birthday of Dr. Martin Luther King Jr. Yes. Passed 338-90.

(316) H.R. 3021. Health Care for the Unemployed Act. Establishing a temporary new program of block grants to be used to provide health care services to unemployed workers and their families. Yes. Passed 252-174.

(317) H.R. 2957. Amendment to International Recovery and Financial Stability Act, requiring the U.S. representative to the International Monetary Fund to oppose loans to communist dictatorships. Yes. Passed 242-185.

(320) H.R. 2957. International Recovery and Financial Stability Act providing for a $8.37 billion increase in the U.S. line of credit to the International Monetary Fund. Yes. Passed 217-211.

(329) H.R. 3520. Amendment to Rehabilitation Act Amendments eliminating increases totaling $1.6 billion in the authorization levels for 10 education and social programs. No. Failed 124-283.

(341) H.R. 3391. Worker and Firm Trade Adjustment Assistance. Motion to recommit with instructions H.R. 3391. The instructions would limit appropriations for worker retraining assistance to the amount permitted under the FY 1984 budget resolution. No. Failed 194-218.

(351) H.R. 1036. Community Renewal Employment Act authorizing a permanent countercyclical job-creation program that would provide jobs in community improvement projects and repair educational facilities to persons unemployed for at least 15 weeks. Yes. Passed 246-178.

(352) H.R. 3913. Amendment to Labor-HHS-Education Appropriations prohibiting the use of funds appropriated by the bill to pay for abortions. No. Passed 231-184.

(361) H.J. Res. 364. Invoking the War Powers Resolution and Authorizing U.S. Forces in Lebanon. This measure states that the provisions of the War Powers Resolution had gone into effect on August 29, 1983, the date of the first U.S. combat deaths in Lebanon, and authorized the Marine presence for 18 months from that date. No. Passed 270-161.

(373) H.R. 3231. Amendment to Export Administration Act prohibiting exports of nuclear-related goods from the United States to any non-nuclear weapons nation that does not accept International Atomic Energy Agency safeguards on all its peaceful nuclear activities. Yes. Passed 196-189.

(393) H.R. 3385. Equity to Cotton Producers under the Payment-in-Kind Program. Motion to request a conference on H.R. 3385 as amended by the Senate to include major changes in the dairy program and to freeze tobacco price supports. Yes. Failed 188-208.

(439) H.R. 4185. Amendment to Defense Department Appropriations for FY 1984 deleting all procurement funds in the bill for MX missiles, a total of $2.2 billion to procure 21 missiles. The amendment did not delete funds for testing, research and development. Yes. Failed 208-217.

(445) H.R. 1234. Amendment to Fair Practices in Automotive Products Act prohibiting implementation of the bill if it violated the General Agreement on Tariffs and Trade, entitled other countries to reduced restrictions on U.S. imports of their goods, or entitled other countries to increased restrictions on U.S. exports. No. Failed 178-232.

(448) H.R. 1234. Fair Practices in Automotive Products Act. Requiring auto manufacturers to use specified percentages of American-generated content—including parts, labor, advertising, and taxes—in vehicles sold in the United States. Yes. Passed 219-199.

(451) H.R. 2867. Amendment to Hazardous Waste Control and Enforcement Act requiring congressional approval, through enactment of a joint resolution, before small quantity generator regulations with an economic impact of more than $100 million could take effect. No. Approved 198-195.

(452) H.R. 2967. Amendment to Hazardous Waste Control and Enforcement Act requiring congressional approval, through enactment of a joint resolution, before small quantity generator regulations with an economic impact of more than $100 million could take effect. No. Failed 189-204.

(468) H.J. Res. 403. Amendment to Further Continuing Appropriations for FY 1984 increasing FY 1984 appropriations for 15 education and domestic programs by a total of $954.4 million, restoring some of the cuts made in 1981 in the school lunch and child nutrition programs, and increasing the authorization for the Women, Infants, and Children nutrition program by $234 million. Yes. Approved 254-155.

(476) H.R. 4196. Amendment to Dairy Production Stabilization Act authorizing a reduction of up to $1.50 per hundred pounds in the dairy price support level and eliminating the two 50-cent assessments on farmers for all milk production. This would also eliminate the paid diversion program and other provisions of the bill. No. Failed 174-250.

(482) H.R. 3222. Amendment to Commerce, Justice, State, and the Judiciary Appropriations for FY 1984 providing $11.9 million for the U.S. Civil Rights Commission in FY 1984. No. Failed 170-235.

(504) H.J. Res. 1. Equal Rights Amendment. House failed to suspend the rules and pass H.J. Res. 1, Equal Rights Amendment. A two-thirds majority vote was needed for passage under suspension of the rules. Yes. Failed 278-147.

(525) H.R. 4170. Tax Reform Act of 1983. Rule allowing for House floor consideration of H.R. 4170, the Tax Reform Act of 1983. Yes. Failed 204-214.●

TAX SIMPLIFICATION

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. DASCHLE. Mr. Speaker, in his state of the Union address, the President commissioned the Treasury Department to undertake a study on tax reform and simplification plans, a report on this study to be due in December 1984. Tax simplification is, of course, a goal that nearly all of us in the Congress share, and one which is sought as well by the great majority of our country's taxpayers. It is no closely guarded secret that the complexity of our tax structure, and the perception that all the various special exemptions and tax loopholes that have been put into the law over the years have made it a haven for the rich and a millstone for the low and middle income, have greatly decreased the voluntary compliance aspects of the Federal income tax. Further, these two factors have contributed greatly to the estimated $100 billion in due, but unpaid, taxes that disappear from the Treasury every year.

While I am sure we will all await with great expectation the results of this study, there are apparently already some indications of what shape the results may take. On January 9, 1984, John E. Chapoton, Treasury Department Assistant Secretary for Tax Policy, addressed the National Retail Merchants Association meeting in New York. Assistant Secretary Chapoton is the administration's chief expert on tax policy. I have obtained a copy of the outline of remarks made that day, and request permission to insert this document in the RECORD.

Of particular interest to Members, and the general public, are Mr. Chapoton's remarks relative to many of the tax simplification proposals currently being circulated. I was particularly surprised by his comment on the "flat tax" proposal, championed by many conservative organizations throughout the country. Of this proposal, the Assistant Secretary says, "A pure flat rate income tax—simplistic and attractive, but unrealistic because of the

dramatic shift in the tax burden it would cause from upper- to lower- and middle-income taxpayers." Although this is a curious thing to say about a tax that is being ballyhooed as a tax relief measure for the low- and middle-income taxpayer, I share this assessment. A flat tax would, indeed, shift the tax burden greatly from those who can most afford it, the rich, right onto the backs of those who can least afford it, the low and middle income.

This comment by itself would make this outline of remarks worth reprinting, but there are other equally valuable insights into the administration's preferences for the Tax Code. On the matter of mortgage revenue bonds, which the administration prefers to call mortgage subsidy bonds (MSB), the Assistant Secretary has this to say: "The administration strongly opposed the extension of MSB as an unnecessary and inefficient subsidy to home buyers. . ." And on the matter of a proposal to impose State volume caps on the issuance of industrial revenue bonds, a matter of particular interest to my State of South Dakota, which uses such bonds extensively in its development efforts, he has this to say:

> We strongly support such limitations. They are needed both to control the growth of private purpose tax-exempt financing, which is an unreviewed and rapidly growing form of indirect Federal spending, and to offset the substantial revenue loss from the extension of MSB.

All in all, this is an extremely interesting outline of remarks, and I would urge my colleagues to examine it closely for hints as to where the study commissioned by the President may well lead.

OUTLINE OF REMARKS—NATIONAL RETAIL MERCHANTS ASSOCIATION

(New York City, January 9, 1984)

I. INTRODUCTION

I am pleased to join the panel discussion this morning on the economic outlook for 1984 and beyond. I would like to comment on the prospects for changes to our Federal income tax laws in the Second Session of the 98th Congress, and then briefly suggest where tax policy might be headed over the next several years.

II. SHORT-TERM OUTLOOK

A. Congressional status

1983 was a surprising year; we saw no significant tax bill.

The House and Senate in 1983 approved a budget plan for fiscal year 1984 that called for higher taxes totalling $73 billion over the next 3 years, 1984-86.

Legislation reported out by the tax-writing Committees did not meet these totals. The Ways and Means Committee did report out a tax bill in October (H.R. 4170, the Tax Reform Act of 1983), but this legislation was not designed primarily to raise revenue even though it would have increased receipts by several billion dollars over the next three years. The rule under which the House was to debate this bill was defeated on the House floor—in part over its provisions limiting the future growth of private purpose tax-exempt bonds, and in part because the rule allowed unrelated Medicare amendments and amendments to increase revenues substantially. The result: no tax bill from the House.

The Senate Finance Committee sent a $13 billion tax package to the Budget Committee on October 31, but this bill was stymied when the House failed to pass its reconciliation bill. These matters will be pending business when Congress returns January 23. But they are not major factors in dealing with the deficit.

In the waning days of the First Session, the Senate Finance Committee began consideration of a large deficit reduction measure, which included such revenue items as an across-the-board tax on energy, a high-income individual surcharge, a tax on corporate economic income, and several Treasury-supported proposals dealing with tax shelter, accounting and corporate tax abuses. Prior to adjourning, the Committee instructed its staff to draft a bill along these lines, to raise $75 billion in revenue in 1984-87. Any tax increases would be contingent in some fashion on spending reductions of an equal amount—the formula would be $1 in taxes for $1 in spending cuts, for a total deficit reduction package of $150 billion over 1984-87. The Senate Finance Committee bill will be presented February 15; but for now that deficit reduction package will take a back seat until the Administration's budget is presented.

B. Administration position

The success of any efforts to raise revenue when Congress comes back hinges on the Administration's position on tax increases. The President has made no final decisions concerning what tax proposals, if any, he will present to the Congress with the FY 1985 Budget.

The President has clearly indicated his belief that any major tax increase before FY 1986 would be the wrong medicine for the economy. The recovery is well underway, and accelerating economic growth will contribute significantly toward reducing the deficit. There is abundant good news—retail sales have been very strong as you know, real growth continues at a very sustainable pace, unemployment is virtually spiraling down, and while interest rates are too high, they are at least reasonably steady.

By citing all of this good news, however, I don't mean to suggest that we should not worry about the deficits, which represent the one piece of significant bad news on the economic horizon. We do worry about the deficits—they are a matter of overriding concern. We hope the deficit problem diminishes with increased vigor in the economy, but we recognize that it will not disappear. Large deficits pose a real danger of seriously limiting the growth of our economy in future years; and over the short-term their impact on the Federal Reserve is unsettling. But we feel the culprit is spending—and we insist that Congress address the deficit problem by reducing spending before any increased revenues are considered.

The Administration has recognized that increased revenues may be necessary as insurance that future deficits remain within a tolerable range. Thus the President proposed a contingency tax plan as part of his Fiscal 1984 Budget.

The contingency tax plan was designed to raise revenue—consequently reducing the deficit—by about 1 percent of GNP. But, it would have gone into effect only if Congress adopted spending reductions proposed by the Administration, and if insufficient economic growth occurred to keep the deficits forcast for fiscal 1986 below 2½ percent of GNP.

The taxes proposed in this contingency plan were designed to have a broad, temporary impact on all taxpayers and all segments of the economy. More important, they would not have permanently affected the structural tax changes enacted by ERTA in 1981.

As I noted, no decision has been made as to whether we will include some type of contingency tax in the FY 1985 Budget. That is the number one budget issue now pending, and it will be resolved quite soon.

Whether or not our budget proposals contain a major revenue raising element however, the budget will contain realistic proposals for putting the deficit on a downward path over the next several years.

III. 1984 TAX BILL

Since Congress did not complete work on any tax bill before it adjourned, a number of needed tax changes separate and apart from the question of raising revenue were left open. These will have to be addressed early in 1984. Let me mention briefly the three most important:

A. Leasing by Nontaxable Entities: Both the Ways and Means Committee and the Senate Finance Committee agreed to provisions limiting the tax benefits to lessors with respect to property leased to State and local governments, private nonprofit organizations, and certain foreign persons.

Such action must be taken or the drain on the Treasury is almost unlimited—by selling city hall to a group of taxable investors and leasing it back to the city, who will continue to use it, or by leasing capital items owned by any tax-exempt group, a significant tax benefit can be obtained—it is in effect do-it-yourself revenue sharing.

The Administration strongly supports the effort contained in the bills adopted by the Ways and Means and Senate Finance Committees to curtail this practice.

B. Life Insurance: The so-called TEFRA stop-gap provisions expired at the end of 1983.

The replacement of the existing system for taxing life insurance companies with the singly-phase system developed by Representatives Stark and Moore represents a significant improvement to the seriously flawed and outdated tax rules of current law.

The manner in which we tax life insurance companies and their products is extremely important because a tremendous amount of savings is achieved through insurance products.

C. Tax-exempt Bonds: The Ways and Means bill would have extended the mortgage subsidy bond program through 1988. It also permitted State and local governments to elect to exchange all or part of their MSB authority for authority to issue mortgage credit certificates. These entitle homeowners to nonrefundable income tax credits to offset home mortgage interest costs.

The Administration strongly opposed the extension of MSBs as an unnecessary and very inefficient subsidy to home buyers, but we have supported the more efficient mortgage credit certificate approach as an alternative if Congress extends MSBs over our objections.

The bill also would have imposed a number of additional limitations on tax-exempt IDBs and student loan bonds, including state volume caps, limits on small issue IDBs for land or existing facilities,

denial of tax exemption where certain Federal guarantees are involved, and additional arbitrage restrictions.

We strongly support such limitations. They are needed both to control the growth of private purpose tax-exempt financing, which is an unreviewed and rapidly growing form of indirect Federal spending, and to offset the substantial revenue loss from the extension of MSBs.

These are the three most important hangover items—leasing to tax exempts, life insurance, and MSBs and IDBs. Action is urgently needed in these areas. In addition, several of the other items in the Ways and Means tax bill and some of those considered by the Finance Committee could be enacted as well. Thus, even if there is no major revenue initiative in 1984, there will in all likelihood be tax legislation.

IV. LONG-TERM CONSIDERATIONS

The smart money still has to be put on the proposition that Congress will not enact any *major* revenue initiative in 1984, and that it will not deal with the budget deficit in a meaningful way. If this is the case, discussions of revenue increases will continue into 1985. They will be expanded, however, to cover the structure of, as well as the amount of revenue raised by, the Federal tax system.

Some now suggest that the tax system has reached its political and economic limits. More people are questioning whether our present tax code is raising needed revenue efficiently, fairly, and without unduly burdening capital formation, saving and investment. These are the kinds of inquiries which raise the specter of fundamental tax reform.

Taxpayer dissatisfaction with the present system is no secret. Even with the dramatic reductions in marginal tax rates enacted in 1981, taxpayers remain convinced that their neighbors who are just as well off pay less tax than they do, and that taxpayers who are wealthier than they pay fewer taxes still.

As people talk increasingly of fundamental tax reform, we must look carefully at what is really involved. As is usually the case with a complex subject that people wish to be simple, a great deal more is involved than most people generally suspect.

The objectives of most tax reform plans are similar—reducing economic distortions caused by taxes, and improving equity and compliance, by broadening the tax base and lowering tax rates. However, various schemes have quite different effects on savings incentives, the uniformity of treatment among different activities, and the distribution of the tax burden.

A number of tax reform alternatives have been and will continue to be discussed. These include:

(1) A pure flat rate income tax—simplistic and attractive, but unrealistic because of the dramatic shift in the tax burden it would cause from upper to lower and middle income taxpayers.

(2) A modified flat-rate system—*i.e.*, much less progressive, and much lower rates on a broader tax base. An example is the "fair tax" proposed by Senator Bradley and Representative Gephardt, which will evidently be the Democratic rallying point for tax reform. The thing to watch: the adverse impact Bradley-Gephardt would have on savings and investment by increasing the tax on savings.

(3) We have looked a good deal at a tax on consumed income; it would provide great simplicity to the taxation of business, and it would remove the bias against savings in the present system. But it would have its problems too. For example, while savings and repayment of debt would be fully deductable, borrowing would have to be added to the tax base. Transition problems also are troublesome.

(4) And of course we've heard a good deal lately about a national sales or value-added tax—a sales tax always rates high in the polls as the least unpopular tax. But it is hard to offset the significant regressivity which could result from such a tax, particularly among persons below the income tax level. Moreover, raising revenue in this fashion would cause the price level to raise in the short run, and we cannot overlook the negative reaction from states and localities.

In short, fundamental tax reform is no panacea, and it is certainly no answer to increased revenue needs in the short run.

In the long run, however, it could greatly increase the efficiency and fairness of our tax system, and much simplicity could be provided. Moreover, it is even possible that fundamental tax changes could, if forthright steps are taken, increase the yield of our tax system by reducing avoidance and evasion of taxes.

Tax simplification and reform will be much discussed in 1984 as in every Presidential election year. But this year could be different; it could be a serious and specific discussion.

Back to the immediate. Whether there is serious tax activity in 1984 to deal with the budget deficit depends on the Administration's budget which will be presented to the Congress in early February. And that I cannot disclose—final decisions are just now being made.●

H.R. 555, CWIP POLICY FACT SHEET

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. OTTINGER. Mr. Speaker, this week the House will consider H.R. 555, the Construction Work in Progress Policy Act of 1983 introduced by my colleague from Iowa, Mr. HARKIN. This important piece of consumer legislation is strongly supported by Members who want to protect ratepayers from paying for powerplants they may never use, either because they will not live to see the plant put in service or because the plant may turn out to be unneeded and is abandoned, as so many have been in recent years.

H.R. 555 corrects the new FERC CWIP rule to protect consumers. As a result, it has attracted significant support both inside Congress and out. There are currently 110 House cosponsors and 22 diverse organizations backing the bill. These organizations include the American Paper Institute, American Association of Retired Persons, American Public Power Association, Citizen-Labor Energy Coalition, Consumer Energy Council of America, Consumer Federation of America, Consumers Union, Environmental Action, Environmental Defense Fund, Environmental Policy Institute, Friends of the Earth, National Association of State Utility Consumer Advocates, National Consumer League, National Council of Senior Citizens, National Farmers Union, National Rural Electric Cooperative Association, Natural Resources Defense Council, Sierra Club, United Auto Workers, United Methodist Church, Board of Church and Society, and United Steelworkers of America.

I am including in my remarks a factsheet prepared by the staff of the Subcommittee on Energy Conservation and Power on H.R. 555 and a pamphlet distributed by the Fair Electric Rates Coalition answering commonly asked questions about CWIP. I hope Members will find the information helpful in their consideraton of this important consumer bill.

FACT SHEET ON H.R. 555

H.R. 555 would establish policies and procedures to guide the Federal Energy Regulatory Commission (FERC) in its handling of applications by utilities to include CWIP in rate bases. CWIP refers to costs incurred by electric utilities in the construction of facilities such as powerplants while these facilities are being constructed and prior to their being placed in service to ratepayers. FERC regulates only wholesale sales, i.e., sales between two utilities for resale to ultimate customers. These sales represent about 10 percent of electricity sales nationally per annum.

Inclusion of CWIP in rate base causes problems:

It transfers a portion of the financial risk of constructing facilities from shareholder to ratepayer;

It encourages utilities to build long-lead time, expensive and risky large powerplants without examining whether they could meet their customers' needs by investing in less expensive conservation measures and other alternatives first;

It forces customers to pay for powerplants that many will see no benefits from, either because these powerplants will never be completed or because, as in the case of the elderly, they will not live to see the completion of facilities.

Nonetheless, inclusion of CWIP in rate base, where truly needed, can be an appropriate regulatory remedy, both in the interest of the utility and its ratepayers.

In 1983 the FERC changed long-standing policy and adopted a rule permitting virtually the automatic inclusion of 50 percent of CWIP in rate base. The careful review of individual CWIP requests necessitated by the problems that it can cause was abandoned.

H.R. 555, as reported by the Committee is a more moderate approach to CWIP than H.R. 555 as originally introduced. As reported, H.R. 555 would require the FERC to scrutinize CWIP requests on a case-by-case basis. It would limit CWIP in rate base to situations in which a utility shows that—

It has poor cash flow: specifically, cash flow must be less than 40 percent of construction expenditures;

It can only borrow money at rates significantly above the industry average;

The facility it wants to build is reasonably necessary in light of the economic potential of alternatives to it, such as cogeneration and conservation.

These requirements are critical in order to direct the FERC to permit the inclusion of CWIP in rate base only when such inclusion is likely to be in the interest of the utility's ratepayers.

Prepared by Subcommittee on Energy Conservation and Power 2/3/84.

CONSTRUCTION WORK IN PROGRESS—IS IT FAIR TO MAKE CONSUMERS PAY "UP FRONT?"

(Prepared by Fair Electric Rates Coalition, January 1984)

WHAT IS CONSTRUCTION WORK IN PROGRESS?

Construction work in progress, or CWIP, is the cost that an electric utility incurs as it builds new generating or transmission facilities.

WHAT DOES IT MEAN TO PUT CWIP IN RATE BASE?

CWIP entitles a private utility to earn a return on plants not yet providing electricity.

Utility commissions set consumers' electric bills by first calculating a utility's rate base—the amount invested in plant and equipment actually in service less depreciation. A percentage rate of return is then applied against the rate base to provide the private utility with a reasonable opportunity to repay its financial obligations and earn a fair profit. If CWIP is added to a utility's rate base, the dollar value of that base is expanded. Thus, the utility is not only compensated for its existing facilities, but earns a return on those under construction.

HOW HAVE UTILITY COMMISSIONS TREATED CWIP IN THE PAST?

Traditionally, utility commissions required consumers to pay only for facilities that were "used and useful," that is, plant and equipment generating or transmitting electricity. While facilities were under construction, utilities calculated their financing costs which were collected from ratepayers after plants went into service.

Several years ago, some private utilities said they could no longer construct plants without immediate financial assistance from ratepayers. They asked commissions to depart from the "used and useful" principle. Some utility commissions, including the Federal Energy Regulatory Commission (FERC), deviated from this principle on a case-by-case basis where they found utility financial need for extraordinary rate relief.

WHY IS CWIP A CONTROVERSIAL ISSUE?

Consumers have vigorously opposed attempts by private utilities to make them pay for facilities that are not yet capable of providing electricity. This sentiment is even stronger today because many utilities are performing well financially, and thus have no need for extraordinary rate relief. CWIP has not only become a serious regulatory issue, but a volatile political one too. Statutes or initiatives to prohibit CWIP in retail rates have been passed in four states—New Hampshire, Oregon, Missouri and Pennsylvania. In 1983, Texas adopted a law limiting CWIP in rate base. Many other states effectively prohibit or severely restrict CWIP in retail rates. Grassroots efforts are underway to have similar policies adopted in additional states.

DOES NOT A PLANT COST LESS WITH CWIP?

Under certain economic assumptions, a plant may cost less with CWIP than undr traditional regulations

DOES THIS MEAN THAT CWIP IS IN CONSUMERS' FINANCIAL INTEREST?

No. Lower plant costs do not mean lower rates. And CWIP is bad consumer policy for many other reasons.

First, consumers are compelled to pay millions of dollars immediately in higher electric rates.

Second, consumers are denied the current use of their money to meet subsistence needs, install conservation devices, or invest. Consumers' purchasing power will be greater if they retain their money and invest it at a rate at least equal to a utility's cost of capital. Also, wholesale customers, which are utilities themselves, lose some capital which could be invested in their own generating plants.

Third, consumers' "pocketbooks" are unprotected because utility managers are no longer disciplined by the financial marketplace. Billions of dollars are at stake when a utility decides to construct a power plant. Utilities have much less economic incentive to evaluate conservation, load management, or alternative energy resources when they're effectively guaranteed a return on investment from consumers in a new power plant under construction.

Finally, consumers take a substantial risk that they will never benefit from their CWIP contribution. Over the last 10 years, well over 100 electric plants were cancelled after more than $10 billion had been spent on them. If consumers had paid CWIP, they would have contributed funds for plants which will never generate electricity. And in an increasingly older and more mobile society, many people would be charged CWIP, but would never receive power from facilities completed many years later.

DOES FERC ALLOW CWIP?

Yes. FERC allows utilities to apply for CWIP related to installation of pollution control facilities, conversion of oil- or gas-fired plants to other fuels, and prior to 1983, cases where a company was in "severe financial difficulty." During 1983, FERC abandoned its "financial distress" policy by permitting any utility, regardless of its financial condition, to place half its CWIP costs in rate base for wholesale customers. However, for the first two years that the rule is in effect, inclusion of CWIP cannot raise rates by more than 6 percent annually.

HAVE ANY UTILITIES APPLIED FOR CWIP UNDER THE NEW FERC RULE?

Yes. Utilities throughout the country are filing or collecting CWIP-based rates under the new rule. The rate increases range from $457,000 to $50 million.

WILL RETAIL CONSUMERS BE AFFECTED BY FERC'S RULE?

Yes. The rule will immediately affect consumers whose local public or private power systems buy electricity from an investor owned utility currently building new facilities.

The electric rates of many more consumers could be raised if utilities reorganize themselves into a corporation such as New England Electric System (NEES). NEES is a holding company with a generating subsidiary, New England Power Company (NEPCO). NEPCO sells power to NEES distribution subsidiaries, such as Massachusetts Electric. By selling power within this "corporate umbrella," NEES' wholesale transactions are regulated by FERC. If other utilities follow this example and set up separate generating and distribution companies, they would benefit by the liberal FERC rule on CWIP and would escape restrictive state policies denying them such relief. In fact, several private utilities have proposed such a reorganization. All consumers of these utilities would then be affected by FERC's CWIP rule.

DO UTILITIES NEED THE FERC RULE TO "PREVENT THE LIGHTS FROM GOING OUT?"

No. Today, the country has nearly 40 percent excess generating capacity. Twenty percent is deemed to be a prudent level of reserves. A 1983 Congressional Research Service (CRS) study indicates that between now and the the year 2000, there should be sufficient generating capacity to meet the nation's power needs with reasonable improvements in energy efficiencies. If demand exceeds present projections, CRS says there should be ample time to make adjustments.

IS CONGRESS RESPONDING TO THE FERC RULE?

Yes. Legislation to limit FERC's authority to allow CWIP in wholesale rates has been introduced. In the House, H.R. 555 is awaiting action on the floor. In the Senate, S. 817 and S. 1069 are pending in the Committee on Energy and Natural Resources.

DO THESE BILLS PROHIBIT CWIP?

No. All three bills permit CWIP for pollution control facilities and plant conversions from oil or natural gas to other fuels. In addition, H.R. 555 allows a utility with a substantial construction program to apply for CWIP if its program is consistent with a least-cost energy strategy, the company is unable to attract capital at reasonable rates, and such relief will not place wholesale customers at a competitive disadvantage. Similarly, S. 1069 permits CWIP if a utility is in "severe financial difficulty."

ARE THESE BILLS IN THE CONSUMERS' INTEREST?

Yes. Consumers will pay CWIP only when extraordinary rate relief is truly justified, either to achieve important national policy objectives such as reducing utility emissions, or when a utility demonstrates it has a genuine financial need, its construction program follows a least-cost energy plan, and it could not provide electricity to its customers without extraordinary rate relief.

WHAT CAN BE DONE TO ENSURE CONSUMERS ARE TREATED FAIRLY BY FERC?

Congress should enact H.R. 555 and S. 1069 to ensure FERC meets its responsibilities under the Federal Power Act—to respond to the financial needs of private utilities, while also protecting consumers from excessive and unjustified rate increases.

ORGANIZATIONS SUPPORTING H.R. 555 AND OPPOSING ROUTINE ALLOWANCE OF CWIP

American Association of Retired Persons,
American Public Power Association,
Citizen-Labor Energy Coalition,
Consumer Energy Council of America,
Consumer Federation of America,
Consumers Union,
Environmental Action,
Environmental Defense Fund,
Environmental Policy Institute,
Friends of the Earth,
National Association of State Utility Consumer Advocates,
National Consumers League,
National Council of Senior Citizens,
National Farmers Union,
National Rural Electric Cooperative Association,
Natural Resources Defense Council,
Sierra Club,
United Auto Workers,

United Methodist Church, Board of Church and Society,
United Steelworkers of America.

ORGANIZATIONS AND AGENCIES OPPOSING H.R. 555 AND FAVORING ROUTINE ALLOWANCE OF CWIP

Edison Electric Institute,
U.S. Department of Energy.●

BLACK HISTORY IN PRINCE GEORGES COUNTY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. HOYER. Mr. Speaker, a few years ago an historic sites and districts plan was developed for Prince Georges County, Md., much of which I represent. This plan surveyed the many historic homes and manors located in the area, and reviewed the lifestyles, history, and cultural developments of the people who lived in them. The plan concentrated on the white colonists and settlers and their heritage, and one of the recommendations of the report was that a real need existed to document the lives and communities of the black residents of the area—the slaves, the free men and women, often the backbone of the white society which existed at this time.

History has often ignored this aspect of American life, and it was feared that many important sites would be lost to the wrecker's ball unless action was taken. The Maryland National Capital Park and Planning Commission, acting upon the direction of the Prince Georges County Council, recognized this very obvious and serious need, and it set about to investigate the rich and varied heritage of the black community here in Maryland. Miss Bianca Floyd was hired by the history division and has undertaken this task. Her research has already brought to the public's attention many facets of the growth and development of the black community. I feel that it is most fitting, during the month of February which is designated as Black History Month, to review some of her findings.

From the records of early slaves at George Calvert's mansion to the development in the early 1900's of communities by and for thriving black professionals, the history is filled with moving and amazing stories.

Perhaps nowhere is this more evident than in the chronicle of a single family who lived through these times, the Plummers. From Cupid Plummer, who fought in the Revolutionary War came a family whose progeny was to affect much of the religious, educational, and social development of the area around today's towns of Riverdale and Bladensburg. It is a fascinating story and one which I will briefly outline here.

Cupid Plummer fought for 7 years in the Revolutionary War as a surrogate for his master, John Hodge. His son Barney was owned by George H. Calvert, descendant of Lord Baltimore, who had a large landholding at Goodwood. Among Barney's many children was Adam Francis who grew up with Calvert's son, Charles. The close ties between these two men were to aid Adam throughout his life until Emancipation. When Adam was 10 years old, the Calvert family moved to Riverdale, to the site that still stands known as the Calvert Mansion. There Adam learned to read and write, which, at the time was considered a crime for a slave. Through this action, we have the family history of this remarkable time, for Adam, from the year 1841 to 1905, kept a diary. In 1927 one of his children, Nellie Arnold Plummer, used this document to write "Out of the Depths or the Triumph of the Cross," a chronicle of the Plummer family.

In 1841 Adam married Emily Saunders who lived at "Three Sisters" manor 8 miles away from the Calvert Mansion in Riverdale. For the next 10 years Adam would be allowed to visit his wife only on weekends which he reached by walking the distance to her farm, as each spouse had different "masters." During this time they had six children; Sarah Miranda, Henry Vinton, Elias Quincy, Julia Ann, Nicholas, and Marjory Ellen Rose. The last child died soon after she was born.

This 10-year span saw much development in the Plummer family. They were hard working, religious, and close-knit. Adam had a knack for horticulture, and Calvert allowed him to use 3 or 4 acres of ground for himself. As a result he always had money of his own, which was to prove very useful during the times that lay ahead of him. For in 1851, Emily and four of her children were sold to a family called Thompson, and they moved to Washington, D.C. Her oldest child, Sarah Miranda, was sold to a trader and taken to New Orleans. It was a difficult parting for all, and it became more so as this new family again moved to Mount Hebron, 20 miles distant. Visits were almost impossible, and to travel, Adam required several passes and much documentation. Added to this was the fact that the new master was extremely rough to Emily and often whipped her until she was finally able to get his wife to intercede and stop this treatment. Semiannual visits and numerous letters kept the bond strong between the two, and over the next years they had three more children, Margaret Jane and twins, Robert Francis and Nellie Arnold.

With Emancipation came a final reuniting of this family at "Mount Rose," a 10-acre property given to Adam by Charles Calvert. He was to remain there until his death at the age of 87.

It is with the children of Adam and Emily that we see the real influence of this remarkable union. Despite being carted from place to place, being led to the auction block and sold like cattle, despite living through mistreatment by bad owners, with war all around them, these young men and women took from their parents and their heritage a strength of character and will that molded them into leaders.

Sarah Miranda, sold at the age of 18 and carried off to New Orleans far from her family, found her solace in God. During her years in New Orleans, she joined the First African Baptist Church and was baptized in 1864. Finally found in Louisiana by her brother, Henry, she returned with him to Mount Rose and founded the St. Paul's Baptist Church. She was also one of the founding members of the Bladensburg Union, a community and beneficial society.

Her brother Henry had fled the confines of slavery and the Thompson household and joined the Union forces during the Civil War. After going, at the age of 22 to New Orleans to retrieve his sister, he returned to Riverdale and became the force behind the Bladensburg Burying Association, a society formed to provide burial insurance, compensation for the sick, disabled, and unemployed as well as support services for other emergencies. Later the organization was renamed the Bladensburg Union. It is still serving the St. Paul's church community to this day. Henry was also a founding trustee and chief organizer of the new school society. This group organized the first school for blacks in Bladensburg during reconstruction. Later he became a chaplain in the U.S. Army and settled in the Midwest.

Brother Elias Cupid Quincy Plummer taught school and was a choir master. He also became an influential Methodist minister.

His sister Julia Ann Caroline Maria Plummer was a seamstress, and, despite ill health, graduated at the age of 43 to become a nurse and teacher.

The birth of twins came as a mixed blessing to the Plummer household. Caught in the midst of a tumultuous time, when Sarah was being sold to a slave trader, their future was uncertain to many in the family. But mother Emily said, "Never mind, something tells me that these two children will never have to suffer as we have. This boy is going to be a doctor and the girl is going to be a school teacher. Remember, thoughts are things."

Emily was right. Robert, born just 2 years and 3 months before Emancipation, went to Cornell University, and Howard University where he received his doctorate in pharmacy. His twin,

Nellie Arnold, became a widely known singer of gospel and sacred music, and was a teacher for 45 years, in Maryland, Virginia, and the District. It was she who used Adam's diary and wrote the family biography.

Adam's influence went even further. He taught Emily's brother, William Robert Arnold, how to read, an act that was to have a profound influence on his life. Because he was so knowledgeable his master sent him to Washington, D.C., where he was strongly influenced by the Abolitionists. He escaped on the underground railroad into Canada, and later went to Ohio where he became a minister. He had a series of very successful parishes in Mount Pisgah, Havre de Grace, Baltimore, Cambridge, St. John's, and St. Paul's, and he capped his career with a Bachelor of Divinity at Howard University.

As Miss Floyd points out in many of her writings, the history and leadership of the Plummer family provides an excellent example of a black family's struggle both in slavery and in freedom. Unlike the "Roots" saga, by Alex Haley, which relied mostly on oral history, this family's story is based upon the actual accounts of a slave who wrote about his life in bondage. It is a story of strength and courage and hardship, and it is an integral part of our own history.

Mr. Speaker, the story of the Plummer family is but one of many thousands to be found all across this Nation. I commend the efforts of Miss Floyd and the Maryland National Capital Park and Planning Commission for undertaking the task of uncovering an important part of our history, and I urge my colleagues to promote similar kinds of endeavors in their home districts.●

LET US DO MORE TO END THE TRAGEDY OF CYPRUS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. BROOMFIELD. Mr. Speaker, let me call the attention of my colleagues in the House to a report from the President. The bimonthly report on Cyprus spells out what progress is being made toward a negotiated settlement of the Cyprus problem. The report focuses on the recent Turkish Cypriot declaration of statehood. Although I am pleased that our Government condemned the illegal declaration and understand the complexity of the issue, I believe much more must be done to resolve this long-festering problem.

As all of you know, Turkish troops invaded Cyprus nearly 8 years ago. During the intervening 9 years, families are still separated from one another and over 200,000 refugees have been forced from their homes and villages. Approximately 40 percent of the island is under Turkish Cypriot control, thereby depriving the native Cypriots of self-determination.

Not only has this occupation imposed a political hardship on the people of Cyprus, it has enacted a heavy economic, social, and cultural burden as well. From a strategic perspective, the United States also has legitimate concerns. At the very time that the Soviet Union is enhancing its power in the Mediterranean, NATO's southern flank is weakened by the Greek-Turkish clash over Cyprus. Not only do our southern flank partners disagree over military control and tactics in the region, U.S. bases in Greece and Turkey have, in the past, been threatened with removal unless the conflict in Cyprus is resolved. In short, our entire defense posture in Southern Europe and the Middle East is in jeopardy.

What should America do in the face of this blatant attempt to dismember Cyprus. In addition to condemning the illegal declaration of statehood, our Government must continue its efforts to convince the Turkish Cypriot community to reverse its decision. In addition, we must aggressively pursue our efforts with the world community to convince them not to recognize that illegal entity. Although our lobbying efforts in the United Nation were successful and the Security Council called for a reversal of the declaration, we must not sit back and let this issue die on the vine.

We must increase the level of diplomatic and congressional contacts with the Government of Turkey and with the Turkish Cypriot community in Cyprus and explain to them the futility of their efforts to split a sovereign nation in half. In addition, our Government should not let the Turkish Cypriot community merely mouth platitudes about the situation on the island. Turkish Cypriot goodwill measures designed to settle some of the issues are not enough. Should our Government put this issue on the back burner, we will play into the hands of the Turkish Cypriots and basically tell them that the partition of Cyprus is a fait accompli. Should our country fail to apply maximum pressure on the illegal government of Mr. Denktash, we will be sanctioning an illegal act which violates international standards of justice, human rights, and international law.

With these concerns in mind, I recommend that all of my colleagues read the President's bimonthly report on progress on the Cyprus problem.

THE WHITE HOUSE,
January 24, 1984.

TEXT OF A LETTER FROM THE PRESIDENT TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE CHAIRMAN OF THE SENATE COMMITTEE ON FOREIGN RELATIONS

DEAR MR. SPEAKER and MR. CHAIRMAN: In accordance with Public Law 95-384, I am submitting herewith a bimonthly report on progress toward a negotiated settlement of the Cyprus problem.

Since the previous report (Nov. 7, 1983) the Turkish Cypriot community declared its statehood. The declaration of November 15, 1983, was condemned by the Administration as unhelpful to the process of finding solutions. We urged reversal of the Turkish community's moves and called on all states of the world not to recognize the self-proclaimed entity. On November 18, 1983, we joined a nearly unanimous U.N. Security Council in passing resolution 541 which also called for reversal of the declaration and for no international recognition of the self-proclaimed entity.

Following the November 18, 1983, Security Council action, Cypriot President Kyprianou came to Washington where Secretary Shultz and I met with him to assure him of our opposition to the Turkish Cypriot move and of our continuing determination to see the Cyprus question settled fairly and finally. We also met with (then) Turkish Foreign Minister Turkmen to whom we explained these same points. With both the Cypriot and Turkish government officials we urged flexibility in reacting to any opportunities for progress which may present themselves. The Secretary of State made a similar presentation to Greek Foreign Minister Haralambopoulos.

In early December 1983, State Department Counselor Edward Derwinski visited Greece and Cyprus to meet with Government leaders and private individuals for discussions of the situation on Cyprus. Several additional visits to Cyprus by members of the Congress took place during the period.

On December 15, 1983, the U.N. Security Council renewed the mandate for the U.N. Forces in Cyprus (UNFICYP) for another six months. (Secretary General's report of December 1 is attached.) The Turkish Cypriot community did not support the terms of this renewal but its leaders have said they will continue to cooperate with U.N. forces in their peacekeeping role.

On January 2, 1984, the Government of Turkey announced its intention to remove 1,500 of its troops from Cyprus. On the same day Mr. Denktash, leader of the Turkish Cypriot community, announced a series of "goodwill" measures designed to settle some of the outstanding issues between the communities. Included among these were proposals to turn over the city of Varosha and the Nicosia airport to U.N. administration, reactivation of the Committee on Missing Persons, and several other confidence-building measures. The Administration welcomed these proposals as being movement in the right direction.

On January 9, 1984, President Kyprianou again visited Washington during a private visit to the U.S. and discussed with Secretary Shultz and others his Government's ideas on how to achieve progress toward a comprehensive settlement.

The Secretary of State's Special Cyprus Coordinator Richard Haass and other Department officials have maintained close liaison with U.N. officials involved with the

Cyprus question. We continue to support the Secretary General's good offices role.

During the period, the Administration has encouraged the parties to the Cyprus question to be forthcoming with new ideas for progress and not to reject out of hand any proposals for progress. We believe the January 2, 1984 proposals from the Turkish side and the plans discussed with President Kyprianou in November and in January constitute positive results. We intend to continue our strong support for the U.N. Secretary General's role in the search for solutions to the Cyprus problem.

Sincerely,

RONALD REAGAN.

DEPARTMENT OF STATE,
Washington, D.C., January 27, 1984.

DEAR MR. BROOMFIELD: Knowing of your keen interest in the Cyprus situation, I am taking the liberty of sending you a copy of the President's latest 60-day report on Cyprus, which was recently released. Richard Haass, Secretary Shultz's Special Cyprus Coordinator, would be pleased to discuss with you this report as well as other recent developements on Cyprus.

We look forward to working with you and your colleagues in the Congress to help resolve the Cyprus problem.

Sincerely,

W. TAPLEY BENNETT, Jr.
Assistant Secretary,
Legislative and Intergovernmental Affairs.●

THERAPEUTIC USE OF HEROIN

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. WAXMAN. Mr. Speaker, on behalf of Mr. LELAND, Mr. SCHEUER, Mr. MARKEY, Mr. SHARP, Mr. WHITEHURST, Mrs. HALL of Indiana, Mr. WEISS, Mr. STARK, Mr. LEVINE of California, Mr. LEVINE of Michigan, Mr. BONIOR of Michigan, Mr. NOWAK, Mr. WILLIAMS of Montana, Mr. ACKERMAN, Mr. FRENZEL, Mr. FORD of Tennessee, Mr. WON PAT, Mr. FRANK, Mr. CONYERS, Mr. SPENCE, and Mr. BARNES, I am pleased to announce the introduction of H.R. 4762, the Compassionate Pain Relief Act. The legislation would permit establishment of a temporary program through which heroin—diacetylmorphine—would be made available by the Federal Government to physicians to relieve the agony of cancer patients suffering intractable pain.

The need for this legislation is great. The ability of the terminally ill to live out their last months and weeks in comfort—without pain—is often denied due to arbitrary restrictions on the therapeutic use of heroin.

The National Cancer Institute estimates that as many as 33 percent of cancer patients will require drug therapy for the relief of pain. While a majority of these patients can be adequately treated with conventional analgesics, there is an important group of patients of whom the pain of cancer is often more fearsome than the disease itself. These patients are often highly tolerant to conventional analgesics or are emaciated, which makes frequent injections difficult and painful.

The safety and effectiveness of heroin in the treatment of pain has been well established. Although its use in medicine was at one time permitted in this country, fears over its addictive properties and concerns associated with illicit abuse resulted in its ban. Tragically, banning the therapeutic use of heroin has had little effect on the incidence of heroin abuse, but it has impacted on those who could benefit from its use in treatment of pain.

Heroin is recognized by pharmacologists and physicians worldwide as one of the most effective analgesics known to medical science. It is a potent, highly soluble pain killer, and therefore an excellent analgesic for patients unable to tolerate frequent high volume injections of drugs like morphine or for whom drugs like dilaudid are contraindicated. Experts testified before the Subcommittee on Health and the Environment in 1980 that heroin is no more addicting than other legally available narcotics and that in the treatment of pain—particularly intractable pain due to cancer—pain management, rather than addiction, should be the principle therapeutic consideration.

H.R. 4762 provides for establishment of a temporary program, administered by the Secretary of Health and Human Services, to provide therapeutic quantities of diacetylmorphine to physicians for the treatment of intractable pain in patients suffering from cancer. The temporary program will end 4 years after enactment.

This program is limited in scope, and will require individual registration of participating pharmacies and physicians. It will operate in much the same fashion as existing Federal programs sponsored by the National Cancer Institute and the National Institute on Drug Abuse, through which limited quantities of marihuana cigarettes and THC capsules are available to approved physicians and pharmacies for use in research activities to control the nausea of cancer chemotherapy.

The legislation also provides that strict safeguards and reporting requirements be observed similar to those currently in place to prevent diversion of legally available narcotics like morphine or dilaudid. Distribution or possession of heroin outside the limited scope of this program would continue to constitute a violation of the Federal Controlled Substances Act and be subject to maximum penalties of 15 years imprisonment and a $125,000 fine.

A similar bill, S. 209, has been sponsored in the Senate by Senators INOUYE, DECONCINI, GOLDWATER, LEAHY, MATSUNAGA, PELL, RANDOLPH, RIEGLE, SYMMS, TSONGAS, WARNER, GLENN, ABDNOR, LEVIN of Michigan, HATFIELD, DOMENICI, PACKWOOD, MCCLURE, and HOLLINGS.

Mr. Speaker, no one should assume that heroin is a wonder drug or that passage of H.R. 4762 will eliminate very real deficiencies that exist in clinical knowledge about pain managment. Heroin may not be the analgesic of choice for most cancer patients. Yet heroin is a highly effective analgesic which may offer individual patients benefits not available with conventional medications. It should be available as one of many drugs in a cancer physician's armamentarium available to treat patients suffering from the intractable pain often caused by cancer.

Mr. Speaker, I urge every Member's support. Enactment of H.R. 4762 would provide hope to thousands of cancer patients and their families.

I insert a copy of H.R. 4762 in the RECORD at this point:

H.R. 4762

A bill to establish a temporary program under which diacetylmorphine will be made available through qualified pharmacies for the relief of pain from cancer

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 "Compassionate Pain Relief Act".

SEC. 2. The Congress finds the following:

(1) Cancer is a progressive, degenerative, and often painful disease which afflicts one out of every four Americans and is the second leading cause of death.

(2) In the progression of cancer, a significant number of patients will experience levels of severe, intense, and intractable pain which cannot be effectively treated by presently available medication.

(3) The therapeutic use of diacetylmorphine is not permitted in the United States but extensive clinical research has demonstrated that it is a potent, highly soluble painkilling drug when properly formulated and administered under a physician's supervision.

(4) Making diacetylmorphine available to patients through controlled channels as a drug for the relief of pain due to cancer is in the public interest.

(5) The availability of diacetylmorphine for the limited purposes of pain control due to cancer will not adversely affect the abuse of illicit drugs or increase the incidence of pharmacy thefts.

(6) The availability of diacetylmorphine will enhance the ability of physicians to effectively treat and control pain due to cancer and promote further research.

(7) It is appropriate for the Federal government to establish a temporary program to provide pharmaceutical dosage forms of diacetylmorphine for the control of pain in those limited circumstances in which conventional analgesics are ineffective or contraindicated.

SEC. 3. (a) Not later than October 1, 1984, the Secretary of Health and Human Services (hereinafter in this Act referred to as the "Secretary") shall issue regulations establishing a program under which diacetylmorphine shall be made available to pharmacies for dispensing pursuant to written prescriptions of physicians to individuals for

the relief of pain from cancer (hereinafter in this section referred to as "the program").

(b) The Secretary shall provide for the manufacture of diacetylmorphine for dispensing under the program.

(c) Under the program diacetylmorphine may only be made available, upon application, to pharmacies registered under section 302 of the Controlled Substances Act which meet such qualifications as the Secretary may by regulation prescribe. An application for diacetylmorphine shall—

(1) be in such form and submitted in such manner as the Secretary may prescribe; and

(2) contain assurances satisfactory to the Secretary that—

(A) the applicant meets such special requirements as the Secretary may prescribe respecting the storage and dispensing of diacetylmorphine; and

(B) diacetylmorphine provided under the application will be dispensed through the applicant upon the written prescription of a physician registered under section 302 of the Controlled Substances Act to dispense controlled substances in schedule II of such Act.

Requirements prescribed by the Secretary under paragraph (2)(A) shall be designed to protect against the diversion into illicit channels of diacetylmorphine distributed under the program but such requirements may not be more stringent than those in effect under the Controlled Substances Act for the distribution of controlled substances in schedule II of such Act.

(d) A physician registered under section 302 of the Controlled Substances Act may prescribe diacetylmorphine for individuals for the relief of pain from cancer. Any such prescription shall be in writing as prescribed by the Secretary by regulations.

(e) The Federal Food, Drug, and Cosmetic Act and titles II and III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 shall not apply with respect to—

(1) the importing of opium,

(2) the manufacture of diacetylmorphine, and

(3) the distribution and dispensing of diacetylmorphine,

in accordance with the program.

SEC. 4. (a) Not later than the third month beginning after the date of the enactment of this section and every third month thereafter until the program is established under section 3, the Secretary shall report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate on the activities undertaken to implement the program; and each year after the program is established and while it is in effect, the Secretary shall report to such Committees on the activities under the program during the period for which the report is submitted.

(b) Upon the expiration of four years after the date the program is established, the Comptroller General of the United States shall report to the committees referred to in paragraph (1) on the activities under the program during such four years.

(c) The program established under subsection (a) shall terminate upon the expiration of sixty months after the date the program is established.●

OIL COMPANY ACQUISITIONS

HON. THOMAS A. DASCHLE

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. DASCHLE. It is not very often that those of us outside the inner circles of the giant oil corporations get a chance to see how these companies work, and what the effects of their actions will have on us. That is why I was particularly pleased to see a recent interview with J. Hugh Liedtke, chairman of the board of Pennzoil. In the interview, sparked by Pennzoil's action in filing an antitrust suit against Texaco's proposed merger with Getty Oil, Chairman Liedtke provides a refreshing, frank appraisal of what the recent surge in takeover activity by various major oil companies means to the oil industry and the American consumer.

Of particular interest is his comment that "based on studies, 79 percent of all the oil in the world is controlled by about 16 companies. So once you get oil controlled that way, and, more particularly, you get domestic reserves controlled by a very few companies, then what do you think is going to happen to the price? Just the same thing that happened in the game of Monopoly. You can set the darned rate anywhere you want to."

It is this continuing tendency on the part of major oil companies to increase their reserves not by exploration but by acquisition that reduces competition and drives up the price of all petroleum products. Chairman Liedtke's comments provide an insight into these operations and a real warning of where, if left unchecked, they will lead us.

The interview follows:

[From the Washington Post, Jan. 29, 1984]

PENNZOIL CHIEF: OIL GIANTS PLAY MONOPOLY WITH REAL MONEY

(The battle between Pennzoil Corp. and Texaco Inc. for control of Getty Oil Co. appeared to be winding down last week, as Texaco raised its bid for Getty to $10.1 billion and gained the unanimous approval of the several factions of the Getty family, while Pennzoil was making little headway in its attempts to halt the merger in court.)

(Pennzoil officials have argued throughout that the amalgamation of Texaco and Getty has potentially serious implications for the oil industry and national energy policy. In an interview last week, Pennzoil Chairman J. Hugh Liedtke discussed these issues with staff writer Mark Potts. Here are some excerpts from the interview:)

Question. There have been a lot of events in the oil industry in the past couple of months: the Getty situation, T. Boone Pickens Jr.'s fight to change Gulf, and Mobil's royalty trust filing. Do you think these signal any kind of an upheaval in the industry?

Answer. I'm not sure how connected everything is. If the Getty-Texaco merger were to be permitted under the antitrust laws, then I think you're going to see a tremendous upheaval in the industry which would entail the few very large companies gobbling up all of the medium-sized and smaller companies. It may not happen overnight, but it's going to happen fairly fast.

Q: You filed an antitrust suit against Texaco and Getty. What are your objections?

A: Well, in antitrust, the traditional types of [problems] are overlaps of markets, of refining capacities, and so on. This merger would violate almost any kind of criteria you want to use in those areas. . . .

But the bigger problem—let me get at it this way: Perhaps years ago you played Monopoly—that was a very famous game, everybody played, and the name of the game was Monopoly. The way it worked was, as I recall it, you started out with a group of properties and a little bit of money. And then, pretty soon, why you built some houses on the properties and you got rental income, and as you got enough rental income, you built hotels. And you got more rental income. And pretty soon, you had more income than one of the other players, so you bought him out. And then you had more than three or four players in the game. So you either bought them out or you forced them out in bankruptcy through the bank.

Well now, in the oil business, we have the same identical game going on. In our case, the land is leases—oil and gas leases—which in Texas, at any rate, is an interest in real estate. Instead of building houses, we drill wells, and that's where we get our income. And where you can drill a bunch of wells, instead of having a hotel, you have a huge tank battery or tank farm. You have a whole lot of money. And then the next thing that happens, you buy someone out, or you buy them in a bankruptcy proceeding.

The point I'm getting at is that, if that is allowed to continue with these great big companies, pretty soon you're only going to have a half dozen of them and you will have true monopoly, just like you did in that game.

Then the question arises, what difference does that make to the American public? Well, it makes this difference: In our business, in the future the big reserves of oil and gas are going to be found in frontier areas, at a great depth principally, and probably through tertiary recovery. When I say this, I'm talking about areas like the Bering Sea, I'm talking about offshore Alaska, I'm talking about the Overthrust Belt in the western United States, and there's another Overthrust Belt in the eastern part of the United States that runs down through Pennsylvania and New York and so on. These areas take enormous amounts of money to play [in], and if medium-sized companies are taken out of that play and can't bid in, then you're going to lose a lot of competition for finding new oil.

I think we're got to bear in mind constantly that this Texaco thing will add more oil for Texaco, [but] it's not going to add one single barrel of oil for the United States or the people here. And what it's going to do is, to cause money to be taken away from exploration, to pay off the debt that Texaco acquires in buying these properties.

You know, based on studies that we've looked at that Arthur Anderson & Co. has done, 79 percent of all the oil in the world is controlled by about 16 companies. So once you get oil controlled that way, and, more particularly, you get domestic reserves con-

trolled by a very few companies, then what do you think's going to happen to price? Just the same thing that happened in the game of Monopoly. You can set the darned rent anywhere you want to.

Q: Couldn't that argument be applied also, though to the joining of Pennzoil and Getty?

A: Well, you can apply it, but it's not valid. Getty's about the 14th-largest company, and Pennzoil is way down in the twenties somewhere. In the Texaco situation, you've got the third-largest oil company in the world, or at least in this country, combining with Getty which is, what did we say, 14th. So you form the second-largest oil company in the United States next to Exxon, and, in the process, Texaco eliminates a competitor, and a fairly strong one.

But if you put Pennzoil and Getty together, you will create a much stronger competitor, insofar as Texaco is concerned. So instead of eliminating one, you really strengthen one and make them far more competitive with [Texaco].

Q: Texaco makes the same arguments about needing the additional size and the additional resources to be able to find oil in frontier areas.

A: You know, that rings pretty hollow to anybody, and I really don't even hardly think that's worth commenting on. The size of that company already speaks for itself. There are two ways of doing business in the oil business. One is their way, and one is the way everybody else does business. And to say that they need to get bigger is absolutely ridiculous.

What they're trying to do is to eliminate a competitor and to prevent a really tough one from being created while they buy some oil that will help their company's profit. But it's not going to help anybody in this country, any of our citizens.

Q: You've mentioned a fear of congressional action or some sort of governmental action against the industry triggered by the Texaco-Getty deal.

A: You're asking for it when you do it. They have seen what happened in the Mobil situation [when Mobil tried to buy Marathon Oil in 1981]. This deal's twice as big as the Mobil deal. And at some point, they're going to stop it. In theory, you end up with one oil company and in practice you'll end up with a half a dozen, but it's going to be a really tough situation.

Q: You talked before about how a Texaco-Getty deal doesn't add a single barrel of oil to the public reserve, for public use. How does Pennzoil-Getty?

A: I think the difference is that, in terms of our total picture, I think we would be in a position to finance this in such a way that we would have more funds available than we—Pennzoil—now have, or than Getty now has, to go look for oil. In other words, we would get out of some of these businesses that they currently are in and redirect the cash flow differently, redirect the emphasis of the company. . . .

Our track record would indicate that we can do better with the money than they can—than either one of them. We would have to pay off debt, just like they would. But then we would try to redirect funds toward a heavier emphasis on exploration. And I think the odds of our having success, if you base it on the past record of the company, is better than either one of their's, considerably better.

Q: There is—and I'm sure you're aware of this—a public perception of your industry as a sort of monolith, with everyone pointing in the same direction, everybody searching for bigness and monopoly. Do you think this proves that that does or does not exist?

A: I do not think that the other very big oil companies think that this is a wise thing. I have not talked to them, that's just my impression. But I don't think that they feel it's in the interest of the industry to do something like Texaco has done. I think they feel that it will rebound to the industry's detriment for exactly the reasons that you pointed out when you asked me the question.

Q: The fear of oil companies growing larger?

A: Exactly. You do have to have size to play in these areas that I talked about to you, and the only way to have enough money is to be reasonably large. But there comes a point in the Monopoly game when you get so much money that, at that point, you ought to just compete and not be buying things. You ought to have to go out and create things of your own rather than buy up somebody's life's work overnight.●

MELVIN OLIVER BENSON

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. FASCELL. Mr. Speaker, on behalf of the Committee on Foreign Affairs, I would like to recognize the distinguished service rendered to our Nation by a former committee staff member, Mr. Melvin Oliver Benson, who died very suddenly and unexpectedly on January 25 of this year.

"Benny" Benson, as he was known to his Capitol Hill colleagues, served as a staff consultant to the Committee on Foreign Affairs from 1963 until 1972, when he retired from a long and honorable period of Government service. Although originally appointed at the recommendation of the late Hon. Frances Bolton of Ohio, the distinguished ranking minority member of the committee at that time, he served in a bipartisan capacity throughout the course of his committee employment.

Mr. Benson's service to the United States was, however, by no means limited to his congressional tenure: He was, in fact, a highly decorated World War II intelligence officer, who served both with British Secret Intelligence in the Middle East (1942-43) and with the U.S. Army Office of Strategic Services (OSS) from 1943 until 1946. In 1943, he parachuted into Yugoslavia and was the first American to establish direct contact with the partisan forces under Marshal Tito, a feat which subsequently earned him the Legion of Merit. The key role Mr. Benson played in Allied wartime operations in Yugoslavia has been covered extensively in historical accounts of that period. On several subsequent occasions, he was invited to visit with his wartime comrades-in-arms as an official guest of the Yugoslav Government.

Mr. Benson also was awarded the King Haakon medal for his OSS service in Norway immediately following World War II. In 1946, he began a series of foreign affairs-related assignments, which included service as a special investigator for the House Military Affairs Committee (1946-47), an overseas representative of Pepsi Cola International (in 13 countries in Latin America, Africa, Europe, and the Far East), and an industrial development advisor in Nigeria under the auspices of the Agency for International Development.

Above all, however, "Benny" Benson will be remembered by his colleagues as someone who was invariably conscientious, good-natured, and determined to serve the interests of his country to the best of his ability.

To his family and his many friends in this area, I extend my deepest sympathy.●

ROUKEMA LAUDS WARREN COUNTY VOCATIONAL TECHNICAL SCHOOL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mrs. ROUKEMA. Mr. Speaker, during the week of February 12, the Warren County Vocational Technical School will be celebrating National Vocational Education Week.

This school, located in Washington, N.J., has an excellent educational program, teaching students subjects as diverse as automobile mechanics and cosmetology and as important to our country's future as computer technology and electronics.

It is important to note that vocational/technical schools provide students the opportunity to develop skills that are needed in the work force today, and in the future. I also must comment that the guidance staff at the Warren County Vocational Technical School make a sincere effort to forecast the potential of employment available to students either upon graduation from high school or from an institution of higher education.

Warren County Vocational Technical School should also be commended for recently receiving an award from the New Jersey School Board Association for the Award of Excellence for school district information guides and parent handbooks.

Mr. Speaker, this country's vocational technical schools are most important to the future of this country. They should not be overlooked as vehicles by which to better educate our Nation's youth and give them the nec-

essary skills with which to enter the work force.●

TRIBUTE TO THE MOUNT LEBANON HIGH SCHOOL FOOTBALL TEAM

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. WALGREN. Mr. Speaker, in our society, the successes and accomplishments of underdogs are admired and respected. These successes are heralded whether done by individuals or by groups. We have all heard of such achievements in education, business, medicine, exploration, sports, entertainment, and a myriad of other fields. The fulfillment of a goal after a long period of hard work is a reward in itself but I want to further recognize a great achievement recently in the field of sports in my district.

The Western Pennsylvania Interscholastic Athletic League (WPIAL) recently crowned its new quad-A football champions, the Mount Lebanon High School Blue Devils. Their accomplishment is not an ordinary one in that their regular season record of 5-4-1 barely qualified them for entry into the WPIAL division I, quad-A playoffs. Very little was expected of a team with such a record but consecutive hard-fought wins over Connellsville and Butler and then, finally over an excellent North Allegheny High School team in the championship game, brought Mount Lebanon its third title in the past 4 years.

The Mount Lebanon School District has an excellent reputation which is well deserved and a true reflection of the concern and active involvement of the Mount Lebanon community in its educational system. Over the years, the same environment which produces champions in football has consistently graduated numerous national merit scholars as well. I am grateful for the education I received in the Mount Lebanon schools and I know the educational and athletic standards remain high.

Mount Lebanon Head Coach Art Walker and his staff deserve much credit for their hard work and dedication to the team. The school administration and student body can take pride in their support which was steadfast during good times and bad. And, finally, the players deserve a great tribute for consistently reaching beyond their individual potentials to achieve a common goal which many thought was unachievable.

I know my colleagues join me in saluting the 1983-84 Mount Lebanon Blue Devil football team, WPIAL quad-A champions. The lessons learned by individuals in working together toward a mutual goal can only help these young people in the years ahead. I want to add my congratulations and best wishes to all those involved on a job so well done.●

PERSONAL EXPLANATION

HON. TOM CORCORAN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. CORCORAN. Mr. Speaker, due to my absence from the House, I was not present and voting on January 31 or February 2. Had I been present, I would have voted in the following way:

TUESDAY, JANUARY 31

On the Gingrich line-item veto amendment to H.R. 2878, "aye."

On final passage of H.R. 2878, Library Services and Construction Act Amendments, "yea."

THURSDAY, FEBRUARY 2

On the Chandler substitute amendment that sought to strike certain infants at-risk provisions and direct HHS to establish guidelines for advisory committees to provide advice on the care and treatment of seriously ill newborns, to H.R. 1904, "paired against."

On the Miller amendment to H.R. 1904 that authorizes $15 million for fiscal year 1984, $20 million for 1985, and $30 million for 1986 for programs and projects to prevent family violence, "aye."

On final passage of H.R. 1904, Child Abuse Prevention and Treatment Act, "yea."●

STANLEY FOUNDATION REPORT ON U.S. POLICY IN CENTRAL AMERICA

HON. MICHAEL D. BARNES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. BARNES. Mr. Speaker, last October the Stanley Foundation held its 24th annual Strategy for Peace Conference at the Airlie House Conference Center in Airlie, Va. One of the discussion groups at that conference was on U.S. policy in Central America. Participants in the discussion group included such distinguished individuals as former U.S. Ambassadors Robert E. White and John Crimmins. Rapporteur for the discussion group was Mr. Frank Record, who at that time was on the staff of the Arms Control and Foreign Policy Caucus here in the Congress. In the interest of furthering informed debate on Central America in the Congress and the public, I include Mr. Record's report of the Central America discussion group in the RECORD at this point.

The material follows:

U.S. POLICY IN CENTRAL AMERICA

There was little disagreement among the Central America group participants that the United States has important security, political and economic interests in the region. US foreign policy must protect US security interests in the region, safeguard the sea lanes and the Panama Canal, and promote economic development and growth.

Most participants agreed that US economic interests in the region were of secondary importance to security interests and concerns about superpower conflict in Central America. However, it was noted that economic revitalization and the promotion of trade in the region is a key factor in the long-term security of the United States and the Central American countries.

In a discussion of the tradeoff between short-term and long-term security interests, administration critics contended that short-term security objectives and the unquestioning support of human rights-violator countries such as El Salavador and Guatemala will effectively compromise our long-term goals of promoting democracy and human rights in those countries. Further, they argued, our short-term emphasis on a military solution and our refusal to negotiate with the Farabundo Marti National Liberation Front/Democratic Revolutionary Front (FMLN/FDR) could bring about either a massive US military intervention in that country or the defeat of the Salvadoran army in the field. Either outcome would, of course, be highly damaging to US long-term objectives not only in Central America but throughout the Third World.

Administration supporters countered that military and security aid to friendly governments in the region provide a necessary "shield" for the development of democracy and pluralist institutions as well as for the revitalization of the economy. Additionally, they note, development and economic aid outnumber security aid by a margin of three to one.

It was asked whether a reduction of U.S. influence in Central America means a corresponding increase in the influence of the Soviet Union and its allies. Can we look at the security situation in the region as a "zero sum game" where one side's gain is another's loss? While it was generally agreed by the group that U.S. prestige and influence in the region are in decline and anti-Americanism is on the rise, most participants were of the opinion that this trend does not mean that the Soviet Union and its allies will enjoy a corresponding increase in popularity.

Numerous references in the discussion were made to a recent speech by U.S. Under Secretary of Defense for Policy Fred C. Ikle before the Baltimore Council on Foreign Affairs in which he affirmed that the primary purpose of our military aid program to El Salvador is the defeat of the Salvadoran guerrillas. Under the present limitations on U.S. military aid to El Salvador, almost all the participants were skeptical that this policy objective could be achieved without the intervention of U.S. troops in the region. Further, all the participants agreed that, at present, the U.S. public was not prepared to support this course of action.

While there was general agreement that strengthening democracy should be a key objective in the region, it was far from unanimous that administration policy was leading in that direction. As one participant put it, we should realize that elections are

very different in Central America than they are in the United States. The stuffed ballot box, "La Urna Magica," is the rule not the exception. We should concern ourselves with the substance, not the form, of elections: after all, with the military in control in a country like El Salvador, elections are generally not very meaningful. While administration supporters contended that last year's elections in El Salvador and the large turnout of voters in that country proved that democracy was alive and well in El Salvador, its critics suggested that the long-term outcome of these elections only strengthened repressive forces in that country and effectively excluded participation of the Left.

Another question raised in the discussion centered around US reactions to revolution in the region. Was it in the United States' interest to allow revolutionary governments to take power in the region as long as they were not created or controlled by Moscow or Havana? Most of the participants did not believe that the present administration or any of its predecessors, for that matter, could tolerate any kind of a leftist government coming to power in the region. They cited the examples of Allende's Chile in 1973 and the Arbenz government in Guatemala in 1954 as examples of US-directed coups against socialist governments. The US fixation on avoiding leftist governments and removing them once they come into power has led some analysts to describe ours as a "policy of national insecurity."

EXTERNAL ACTORS

It was pointed out that the Reagan administration's policies of uncritical support of the right-wing repressive governments in El Salvador, Guatemala, and, to a certain extent, Honduras is forcing all revolutionary movements and guerrilla groups into the embrace of the Soviet Union and Cuba. Moreover, the administration does not generally distinguish between pro-Soviet and nonaligned leftist groups.

On the other hand, it was agreed that a key US objective in the region should be the reduction of Soviet and Cuban influence. In the case of Nicaragua, it was generally agreed that the best way to reduce the growing East-bloc influence and control in that country was through careful negotiations and reductions of tensions along the Honduran/Nicaraguan border rather than through a policy of military support for the anti-Sandinista rebels, *contras,* and strangulation of the economy.

Soviet policy in Central America seems designed to take careful advantage of US weaknesses and failures. The Soviet Union has given strong indications that it would not come to the aid of Nicaragua if the United States decided to intervene militarily. A number of participants posed the question of why the United States was scaling up the ladder of military escalation with its large-scale military maneuvers in the region and its increased support for the *contras,* while the Soviets seem to be behaving more cautiously, and the Nicaraguans are showing increased signs of willingness to negotiate on terms more acceptable to Washington.

One participant noted that the Cuban leader, Fidel Castro, has let it be known that he is prepared to improve relations with the United States and to consider terms under which Cuban advisers would be removed from Nicaragua. An understanding that both Cuba and the United States would respect the principle of noninterference and an agreement between the two countries that would lead to a pullout of foreign military advisers from Central America would, it was argued, be the key to the reduction of tensions in the region. Other participants were skeptical that Castro is an independent actor.

PRESENT AND ALTERNATIVE POLICIES IN THE REGION

Nicaragua

A number of participants remarked on the administration's continuing misjudgment of the political situation inside Nicaragua. In their view, the Sandinistas still enjoy some popular support, especially in areas where the *contras* are active.

Two approaches are evidenced by the administration's policy toward Nicaragua. The first is aimed at overthrowing the Sandinista regime. The second advocates that the United States maintain its economic and military pressure against the Managua government until it agrees to stop supporting the FMLN/FDR in El Salvador.

Most participants were generally pessimistic about the chances for a negotiated settlement under present circumstances and felt that the Contadora Group negotiations have not succeeded in large part because the United States did not want them to succeed.

It was argued that alternative policies are needed in Central America because the present policies are not working. Even if they were successful, they would not be in our long-term national interest. Deposing the Sandinistas would replace one set of problems with another: how would we extricate ourselves from that situation?

Most were generally hopeful that a negotiated settlement between the United States and Nicaragua was still possible and that the issue of exporting revolution, or "revolution without frontiers," should be included in these negotiations. It was suggested that we reach an agreement with the Sandinistas to the end that they stop all export of the revolution by material means and that they commit themselves to a policy of no military facilities for the Soviets or Cubans.

El Salvador

The situation inside El Salvador was not viewed as favorable: the economy continues in a tailspin with 3 percent negative growth predicted for this year, on top of an almost unbelievable 25 percent reduction in GNP over the last four years. The land reform program has been stopped dead in its tracks (with no credits or fertilizers given to farmers under Phase I and with a recent wave of evictions and no new titles issued under Phase III of the Land Reform program); human rights violations are on the upswing; the morale of the army is very low; and the guerrillas are showing increased signs of military strength due to more favorable weather conditions. Imparting human rights values to the Salvadoran military has proven to be much more difficult than the Reagan administration contends. Since the March 1982 elections, the balance of power has moved to the right: the death squads are more active than ever, and kidnapping and disappearances are on the rise.

It was pointed out that US policy makers face stark choices in El Salvador. With the replacement of General Garcia by General Vides Cassanova as defense minister, the war against the guerrillas is being taken more seriously by many military officers who, under Garcia, were content to stay in the barracks. Unlike Garcia, however, the new Salvadoran military leader has no interest in human rights and agrarian reform issues. Military objectives have triumphed over the long-term goals of building democracy and promoting human rights.

Several administration critics discussed the concept of a US military intervention to create a "third force," a political center which could replace the extremes now in positions of great influence in El Salvador. This "liberal interventionist" option was proposed by Tom Farer in a recent article in *Foreign Policy* entitled "Managing the Revolution?" The question was raised of whether it would be desirable, or even possible, to use US troops in this way. Would the US public be any more likely to support military intervention in Central America in the pursuit of "democracy" than in the cause of "preventing another Cuba"?

Administration supporters argue that in time the military stalemate in El Salvador will benefit the government and the military by allowing the needed time for the recently established civic-action squads, which were designed to improve services and to benefit rural areas, to have an impact in areas previously out of the government's control. The training of the quick-reaction forces of Salvadorans in Honduras and the increasing military cooperation between the two countries will improve regional security and provide a better guarantee against Nicaraguan attempts at regional hegemony. Further, in the face of increasing threats to the region from Nicaragua, the Central American Defense Council, initiated in the early 1960s to prevent the spread of communism in Central America, is being revitalized.

Administration supporters also point out that the recent enactment of the Caribbean Basin Initiative Legislation will bring long-term economic benefits to the region. In the short term, large amounts of economic assistance will help the Central American counrties weather the current world recession which depresses the level of their export earnings from bananas, coffee, sugar, and other traditional export crops.

In one alternative policy discussion on El Salvador, it was agreed that the only way to defeat the extreme Left is by first defeating the extreme Right. Elements of the violent Left and Right must be isolated and removed from power before a peaceful settlement can be reached. Under one scenario, all the United States would have to do is to indicate that it would seriously like to pursue a course of negotiations with the leftist groups in El Salvador. This would by itself provoke a right-wing coup attempt. In turn, the United States would organize a countercoup and put more moderate politicians back in power. Then the negotiations could proceed with the FMLN/FDR groups which will also have shaken out the Marxist-Leninist extreme elements from the moderate political leaders like Ruben Zamora and Guillermo Ungo.

Some labeled this scenario overly simplistic. It was also pointed out that the Cuban-backed groups on the Left in El Salvador, especially the Popular Revolutionary Army (ERP) faction, are the strongest militarily and would tend to dominate the negotiations and their outcome in a fashion similar to the way the more extreme Marxist Tercerista faction in Nicaragua gained increasing control over the Sandinista movement.

One of the participants noted that if we are going to oppose the "thugs" in Managua we should have the same policy for the "thugs" in San Salvador. By ignoring the democratic Left, as represented by Ruben Zamora and Guillermo Ungo, we are ignor-

ing our chance for a negotiated solution. One suggested policy option included US talks with Castro on reducing tensions in the region and the role of Cuban and US advisers in Central America.

It was suggested that some kind of power-sharing arrangement should be worked out between the FMLN/FDR and the Salvadoran government which would mean a restructing of the government and probably some kind of integration of the guerrila forces into the Salvadoran military.

Honduras

Several participants pointed out that in Honduras despair and hopelessness are even greater now than 20 years ago, when it was described as the country with the three 70s: 70 percent illiteracy, 70 percent malnutrition, and 70 percent premature mortality. In return for desperately needed aid, the Honduran government, under the increasing control of General Alvarez, has totally lent itself to the geopolitical purposes of the Reagan administration. The Honduran military is drawing its country closer to an open confrontation with Nicaragua at the same time that it is increasing the levels of domestic repression. Human rights violations are on the increase; labor and political leaders are disappearing only to turn up dead or in Cuba for training. In short, the country is headed down the path of El Salvador.

Honduras, for its part, is taking active steps to prevent the infiltration of arms from Nicaragua. US policy in other countries of the region, including Costa Rica and Panama, is directed toward shoring up their economies and helping them to overcome security problems caused by Nicaraguan and Cuban subversion.

CONSENSUS BUILDING

To be successful in the long term, US foreign policy objectives must be built on domestic consensus. Yet for the most part, US citizens are unaware of the events in Central America and are concerned that US troops may have to be sent to El Salvador to prevent a military collapse of that government. These fears are based primarily on the continuing trauma of Vietnam. Thus far, Congress and the administration have yet to develop a bipartisan approach to US foreign policy objectives in the region and the correct means to attain these objectives.

In general, many members of Congress are reluctant to take on the president in the area of foreign policy. In particular, they are not anxious to take too visible a stand against US policies in Central America, lest they be subsequently tarred with the brush of "losing Central America."

As one participant put it, it is difficult to build consensus when you certify, against all available evidence, that human rights are improving in El Salvador and that the reform programs are still in place. Another noted that most US citizens are "not buying the product" being sold by the administration—opinion polls taken after the president's address last spring on Central America did not reveal any significant new support for the administration's policies.

Compared to problems in the Middle East or to US-USSR relations, the issue of Central America does not now occupy center stage before the US public. The attention showered on the region by the administration, which argues that it should be viewed as the linchpin of the struggle between the superpowers, has confused and frightened many people. It has, moreover, failed to adequately explain what US stakes are in the region and under what circumstances US troops might have to be introduced.

RECOMMENDATIONS

1. The administration and Congress must work to establish a better dialogue on the nature and the origins of the problems in the region.

2. The United States must try to find a third option between the two extremes of the right-wing oligarchy and the pro-Soviet Left.

3. The United States should enter into serious negotiations with the FMLN/FDR in El Salvador and with the Sandinista government in Nicaragua to reduce tensions in the region and to try to find a peaceful settlement to the conflicts in Central America.

4. In its policies toward El Salvador, the United States must bring greater pressure to bear on that country to better protect human rights and to reinvigorate the agricultural-reform program. Reagan administration policy makers must give a higher priority to stopping the recent upsurge in kidnappings and murders by the right-wing death squads.

5. The United States should support more educational and cultural exchanges with the countries of Central America.

6. A key objective for U.S. policy in the region should be to counter Soviet and Cuban influence, but it should be pursued mainly by diplomatic and not military means.●

TRIBUTE TO ZACHARY P. GEANEAS

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. YATRON. Mr. Speaker, I would like to take this opportunity today to share with my colleagues the thoughts of my good friend, Mr. Zachary P. Geaneas. Mr. Geaneas recently retired from a long and distinguished career in the foreign service. He is a man of depth and spirit and great dedication. He served America in the most exemplary bway and throughout the years made many contributions to U.S. diplomatic initiatives and our pursuit of peace. In his article, Mr. Geaneas offers insight into the problems of one region of the world and recounts an affectingly personal experience in the politics of friendship. Mr. Geaneas' remarks follow:

DIPLOMACY AND FRIENDSHIP

(Zachary P. Geaneas, Counselor of Embassy, The United States of America, Retired)

Recent events in Cyprus have reopened the bloody and unhealed wounds that had been inflicted on that unfortunate island by Turkey. Their military occupation of Cypriot territory is a fait accompli and the international community is not able or is unwilling to take any overt action to rectify this illegal situation. As a result, Turkey and the Turkish Cypriots know full well that time is on their side and that most nations simply hope that the problems remain dormant or fade away. U.N. resolutions and pious statements by national and international leaders are a mere inconvenience that will soon pass into the anonymity of history. In the meantime, approximately 20,000 troops of the regular Turkish Army, many armed, equipped or trained with funds provided by the American taxpayer, are supporting an invalid regime that would collapse with the departure of the modern day Huns of Attila.

The above events caused me to recollect a situation that had produced a great deal of personal anguish. During 1979, I was the Counselor at the United States Mission to the United Nations (USUN) and the Secretary of the U.S. Delegation to the United Nations. Because of my prior service at the American Embassy in Athens from 1970 to 1975 and my subsequent assignment to the USUN, I was aware of the flow of events that were generated by the Cyprus situation. Being truly concerned by the lack of any progress, I wrote an article which was published in the Congressional Record at the request of Congressman Yatron of Pennsylvania. My paper pointed out that the Greek Orthodox Patriarchate could become an invaluable asset to the Turkish government and people. An enlightened and liberal policy would permit the restoration of Agia Sophia to its original splendor, the modernization and renovation of schools, hospitals and museums with funds contributed by the Orthodox faithful throughout the world. Constantinople would then become the center of an unprecedented tourist movement which would bring untold sums of money and waves of tourists to that historic city. The economy of Turkey would improve materially and relations between the Turks and the Greeks would be enhanced. Constantinople or Istanbul, as it is known today, would become a religious center similar to the Vatican and Mecca.

I reiterate that the article was an attempt to be helpful by proposing a concept that could be useful in helping to solve a dangerous and deteriorating situation. There was no intent to demean the Turkish government. At this time, I had a dear friend who occupied an important position in the Turkish Embassy in Washington. We had served previously in the Middle East and our friendship had grown over the years.

Because of my position at USUN, I frequently flew to Washington for consultation with the Department of State and often, I would visit my Turkish colleague at his Embassy. Shortly after my article had been published, I stopped by to see my Turkish friend at his office and was surprised by the cool reception that I received. The usual Turkish coffee was not offered to me. Instead, I was shown a copy of the Congressional Record, which included my article, and was chastised for writing and publishing my views. Somehow, in his opinion, I had breached the bonds of our friendship. I responded calmly to his accusations and pointed out that my writing was factual and that it proposed a possible course of action. I then challenged him to point out any errors or omissions that could be interpreted as being prejudicial or anti-Turkish.

I emphasized that both the contents and the intent of that particular paper were meant to ameliorate the condition that the Patriarchate found itself in and to better the relations between the two countries. Because of geography and history, Greece and Turkey would always be neighbors and I indicated that it was not necessary or desirable that they always be rivals or enemies.

As I was leaving, it was made crystal clear to me that I could no longer consider my Turkish colleage as a friend. It was also suggested that the Turkish Embassy would lodge a formal complaint with the Secretary of State because of my article. To the best

of my knowledge, this threat was not carried out.

During my long diplomatic career, I have made many friends of diplomats of many nations. To this date, we keep in close touch and visit each others homes. Not infrequently, we differed and argued over the merits of the policies of our countries but we never permitted our differences to affect our friendships. I regret the loss of my Turkish friend and wonder if he was not acting under orders from his superiors who were sensitive about the ramifications of my proposal. I hope that my colleague was acting under orders because if this is so, some day, under a different international and political climate, we might be able to resume our friendship.●

MORE SUPPORT FOR ENTERPRISE ZONES

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. GARCIA. Mr. Speaker, over the past 3½ years, I have worked with numerous individuals and organizations to form a coalition in support of the urban enterprise zone proposal. Recently, our colleague, Representative KEMP, had an opportunity to speak with columnist Carl Rowan about enterprise zones and those who support it. I would like to enter Mr. Rowan's column into the CONGRESSIONAL RECORD.

[From the Tennessean, Nov. 23, 1983]

CONGRESSIONAL CONSENSUS ON AIDING NATION'S CITIES

(By Carl T. Rowan)

WASHINGTON.—Congresss slinked out of town for vacations to the jeers of people crying, "cowards!" "disgraceful!" and things unprintable.

A lot of Americans are fed up with the partisanship that has rendered the Congress impotent to deal with such critical things as the $200-billion-a-year budget deficits that could drag the country back toward economic disaster.

I visited Congress last week and found one reason for optimism: an almost unbelievable coming together of lawmakers to say that the government must act to give economic transfusions to sick inner cities.

Suddenly more than 230 members of the House are co-sponsors of the Enterprise Zone Employment and Development Act, which began with the unlikely sponsorship of Jack Kemp, the conservative Republican from Buffalo, N.Y., and Robert Garcia, the liberal Democrat from New York City.

At lunch with Kemp, I mentioned that while I have generally supported the concept of the government giving inducements to people to open businesses in urban areas of low income and high unemployment, I have been skeptical that the Congress or Americans with money to invest really gave a damn.

Kemp replied that "bridge-building" across racial and ideological lines is taking place, and that the plight of inner cities has become the focus. "On no other issue has a wider, more devoted, broad-based consensus emerged than on enterprise zones. Black, white and hispanic, liberals and conservatives, Democrats and Republicans, mayors, suburban and rural areas all support this effort to help put our people to work in productive, meaningful jobs in our inner cities and other depressed areas."

We talked about the fact that only 18.3 percent of the black teen-agers hold jobs, and how this is a tragedy for all America.

"They have no jobs, and most of all they have no hope," he said. "People without hope decide that they'll just enjoy what they can for however long they live, and they often don't care whether it is legal or illegal, wise or unwise."

Which is why those colossal teenage unemployment figures get transformed into shocking statisticsabout delinquency, major crimes, drug abuse, births out of wedlock, welfare bill. . . .

Under the Kemp-Garcia plan, state governments will designate zones in which tax incentives will be offered for job creation and the growth of small businesses. Capital gains taxes on investment within zones would be eliminated. Additional investment tax credits would be allowed for investment within zones. To encourage the poor to take tax-paying jobs, workers would get personal income tax credits for wages earned in a zone. Employers would get special credit for hiring disadvantaged workers.

Kemp said that nine states with operating enterprise zones have created or saved 20,000 jobs. He points out, however, that no state can long sustain such a program unless the federal government joins in.

Most blacks in Congress started out leery of the idea, fearful it was a conservative scheme to wipe out urban development grants, food stamps or other assistance to poor people. They have been reassured by Kemp's assertion that "we have no hidden agenda."

Enterprise zones will not provide jobs for all those who are desperate for work opportunities. But it will make jobs available to many and thus give hope to almost all. And hope may be the most precious item at this time.●

DO NOT KILL THE PAY RAISE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. DINGELL. Mr. Speaker, I commend to my colleagues an editorial entitled, "Congress and the Raise," which appeared in the January 31, 1984, edition of the Washington Post which is rightfully critical of recent action taken by our brethren in the other body to rescind the automatic pay raise for Members of Congress and Senators, which became effective January 1 of this year. The editorial points out.

If congressional salaries had kept pace with the average pay received in the private sector, a Senator or Representative would now be earning almost $95,000 a year, instead of the $72,000 Members began receiving this year.

Members of Congress and senior Federal executives have denied themselves cost-of-living adjustments totaling some $16,700 over the past 6 years through the imposition of pay caps. I do not believe that these restrictions are either necessary or appropriate. The U.S. Congress should not become a public institution filled only with millionaires, retirees, dilettantes, rogues, knaves, fools, thieves, and incompetents. Low salaries will assure this unfortunate result. We cannot return to the days of the 1860's when Members of Congress looked not to their salaries, but rather to pay which they received under the table for constituent service or for openly representing an assortment of special interests.

Both Members of Congress and Senators deserve the $2,400 salary increase which became effective January 1. It is important to the Nation that the salaries of Members of Congress and Senators are fixed at levels which attract the highest quality of persons to serve in the Congress of the United States.

[From the Washington Post, Jan. 31, 1984]

CONGRESS AND THE RAISE

The Senate had barely gotten down to business last week when it voted to rescind the 3.5 percent pay raise that members of Congress received on the first of this month. As a sign of senatorial concern over mounting deficits, the lopsided 66-19 vote might be applauded. But as a practical matter, the gesture is misguided.

As Mike Causey pointed out in his column last Thursday, no one can accuse Congress of codding itself over the last decade. Congressional pay lagged somewhat behind federal civil service pay and, by a far larger margin, behind private-sector pay. If congressional salaries had kept pace with the average pay received in the private sector, a senator or representative would now be earning almost $95,000 a year instead of the $72,200 that members began receiving this year.

Serving in Congress has other compensations, of course. There's that heady sense of power; there are the attentions of a deferential staff; and, now and then, there is play in the press. Members of Congress also have a generous pension plan and other fringe benefits. Still, it's expensive to live in the capital city, and most of the lobbyists, lawyers, business executives and other grandees with whom congressmen routinely consort are pulling down salaries and other benefits far larger than those provided our elected representatives.

Being in Congress is also hard work, if you take your responsibilities at all seriously. And in recent years the level of frustration has mounted. That's partly why congressional turnover has been high, and why some promising political candidates are deciding they'd rather keep their state-level offices or stay in private business.

Ever shy about standing up and voting itself a raise, Congress has sought to reward itself in less obvious ways—putting into law "automatic" pay raises that never turn out that way, fiddling around with honorarium increases or, worse, generous tax deductions for extra living expenses. Back-door compensation increases of this sort are a bad idea because they either increase congressional vulnerability to special interests or reward those congressmen least in need of financial help.

The Senate has done the House a bad turn by voting piously to roll back the pay raise and leaving the final word to the House. But the House should resist the obvious pressure. Congress needs to vote itself regular pay increases just as long as these don't get out of line with how the public is faring on average.●

STATEMENT ON 1985 BUDGET CUTS AFFECTING WOMEN AND CHILDREN

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. MARKEY. Mr. Speaker, the poor are taking it on the chin in President Reagan's proposed 1985 budget.

And that means that women and children are being hit the hardest.

Once again the Republican administration is showing its insensitivity to women and the special difficulties that women and single mothers face today.

Twelve million American children live in households run by single mothers. About half of those families are poor.

In Massachusetts, single mothers head 134,800 households. Of those families, 56,770 are poor. There are 140,280 children living in poverty in those homes.

Since 1979, more than 3 million young American boys and girls have become a sad statistic: They have joined the ranks of those living in poverty.

And now, President Reagan and his counselors—those who say that hunger cannot be documented in the United States—propose a net cut of nearly $5 billion in domestic spending in 1985. About 40 percent of those cuts are in programs for the poor.

That means that Federal spending for food and nutrition aid for women, infants, and children would be cut by $600 million.

That means that money for food stamps would be slashed by $374 million.

That means that funding for aid to families with dependent children would drop by more than $600 million and spending for medicaid would be cut by $1.1 billion.

Altogether, spending for programs that help the poor—those who have suffered from the high inflation and the high unemployment rates of the past few years—would be cut by 5 percent between now and 1989.

We who care about women trying to juggle jobs, run a household, and raise a family, we who care about children and the promise they represent for the future of our country, can hardly stand by and watch the current administration wreak havoc with their lives.

I already have signed a letter urging the President to reconsider his plans to cut funding for aid to families with dependent children.

We must do more to help those who need it most.

The fight for the future of our country has just begun.●

DEATH OF A CHAMP

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. VALENTINE. Mr. Speaker, William E. (Champ) Batchelor was buried in the family plot in the cemetery in our hometown of Nashville, Nash County, N.C., at 3:30 p.m. on Monday, January 30, 1984. He was 57 years of age.

No one seems to know how, when, or where this good man acquired the nickname or title of "Champ" or those who know are not telling. He was no prizefighter or star athlete or bridge player or business baron. Maybe they began to call him Champ because of some sandlot baseball feat in a long past boyhood or because, as a child, he swam longer or dove deeper or just simply spent more time than anyone else in that old swimming hole we called, for some forgotten reason, "Sally Ann" on Stoney Creek near Evans Mill. The leapfrogging years have obscured the event or contest or special achievement, but so what—the name "Champ" lived with him and he carried it well with drollness and good humor. He was a Champ with people, a true lover of folks, with a gentle, sensitive nature.

With this Champ, I shared many childhood escapades and adult experiences.

He was a man bubbling with words, as befits the fine auctioneer that he was—a man of enthusiasm and raw, salty, uninhibited mirth. He was a champion of charm, with a grace all his own. His passing left a void in the life of Kitty, his wonderful, adoring and patient wife, and in the lives of his fine daughters, Lorraine and Julia, and his sisters, and other kin. His passing left a void in the lives of his many, many friends.

His death left me with an empty feeling of profound, irreparable loss.

The "Champ" of good cheer, of sunshine, of people, words and laughter, is down but not out of our hearts and minds.

So long dear, loyal friend.●

COMMENDING AARP SUPPORT FOR NURSING HOME REFORM

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. ROYBAL. Mr. Speaker, I want to take this opportunity to commend the recent efforts by the American Association of Retired Persons in support of the National Coalition for Nursing Home Reform. Under the able leadership of its executive director, Cy Brickfield, AARP has worked hard these past years to protect the interests of the elderly. In order to insure that the elderly receive good quality nursing home care, this Nation faces very difficult challenges and requires assistance from many groups.

The most current example of this type of assistance is the recently released "Consumer Statement of Principles for the Nursing Home Regulatory System—State Licensure and Federal Certification Programs." This valuable report provides tools for Federal and State Government efforts to insure a high standard of care in our Nation's nursing homes. For their work on this report and for many other instances of support for the elderly, I want to express my appreciation to the American Association of Retired Persons.●

THE TARGETED JOBS TAX CREDIT PROGRAM

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. LOWRY of Washington. Mr. Speaker, today I have introduced legislation, for myself and Mr. DICKS, which will resolve a problem that has arisen in the administration of an extremely important program—the targeted jobs tax credit program. At present, an employer must request or receive a certification for the TJTC program on or before the first day of employment of an individual for whom certification is sought. My bill will extend this period of time from the first to the fifth day of an individual's employment.

In Washington State, the "first day" language which exists in current law is inhibiting the processing of eligible individuals whose employers miss the 1-day deadline as well as those individuals who are hired and start work on the same or consecutive days. This extremely short deadline is no doubt causing problems in other States and jurisdictions. The institution of a 5-day period for requesting or receiving certification under the TJTC program

will allow more effective implementation of this much-needed program.

I urge my colleagues to work with me for the passage of this legislation during the reauthorization of the Targeted Jobs Tax Credit Act later this year. Thank you.●

CONDEMNATION OF THE TURKISH GOVERNMENT

HON. WILLIAM R. RATCHFORD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. RATCHFORD. Mr. Speaker, the latest attempt by members of the Turkish Cypriot community to destroy the unity and territorial integrity of the Republic of Cyprus has been condemned by the community of nations. The declaration of an independent state in the northern part of Cyrpus has been denounced by a great many nations as a violation of existing treaty obligations entered into in 1960, as well as the international legal order.

I joined with many of my colleagues in November in condemning the actions of the Turkish Cypriots, and the Turkish Government for its part in recognizing the so-called new government. It has become evident, however, that stronger action is needed if we are to succeed in convincing Turkey that it must revoke its recognition of the secession and begin to support the efforts of the U.N. initiative on Cyprus. It is time to use more of our leverage. I urge my colleagues to support efforts to prohibit all U.S. military assistance to Turkey until the Turkish Government shows serious commitment to resolving the conflict. It is simply wrong for American dollars to contribute to the maintenance of Turkish occupation troops. The United States must not stand idly by and allow this injustice to continue.●

LEGISLATION INTRODUCED TO PROHIBIT OIL IMPORTS FROM IRAN

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. YOUNG of Alaska. Mr. Speaker, today, I am introducing legislation that will prohibit oil imports into this country from Iran.

Despite the humiliation of the Iranian hostage crisis and the deaths of hundreds of Americans in Beirut at the hands of terrorists with close links to Iran, the United States continues to import significant amounts of crude oil from that country. Figures provided by the Energy Information Administration indicate that the United States directly imported almost 22 million barrels of crude oil from Iran in 1983 with a value of well over $600 million. These figures do not even include Iranian oil imported indirectly through the Caribbean and West European nations.

I strongly believe America should not be in the business of supporting in any way the spread of terrorism and fanaticism and should take steps to isolate the threat posed by the Khomeini regime. Oil revenues are the lifeblood of Iran's terrorist crusade. Whether in Lebanon or elsewhere in the Middle East, moderate Arab states continue to look to the United States for support against Moslem extremism. We can send these countries a strong signal that we will not associate with radical regimes that rely on cowardly terrorist acts to further their cause.

Appropriately, the administration has officially reclassified Iran, along with Syria, Cuba, South Yemen, and Libya, as an exporter of terrorism, thereby tightening the restrictions on what the United States may export to Iran. The Congress must do its part by mandating an end to oil imports from Iran. The deaths of our Embassy personnel, our marines, and most recently, a university president, demand no less.●

INTRODUCTION OF RESOLUTION IN SUPPORT OF HOUSING AND THE CONTINUATION OF BUILDER BONDS

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. AuCOIN. Mr. Speaker, today I am pleased to introduce a resolution with my colleague from Arizona (Mr. McCAIN) to preserve the current tax treatment of mortgage-backed builder bond transactions to help homebuilders help themselves and provide affordable financing for American home buyers.

Builder bonds have become a significant new source of funds for residential mortgages generating benefits for both the consumer and the housing industry. For thousands of middle-income families, it has meant the difference between dreaming about homeownership and realizing that dream. Builder bonds have also proven themselves to be a valuable countercyclcial economic tool because in times of high interest rates, when more conventional financing dries up, builders are able to reduce mortgage rates and stay in business.

Large builders have used these bonds for several years. Now they are available to medium and small builders through new multibuilder bond companies.

In simple terms, builder bonds are sold to the public which are collateralized by mortgages made to home buyers. Under existing provisions of the Internal Revenue Code, builders are not taxed when they borrow money through issuance of bonds, but rather are taxed as the underlying collateral mortgages are paid off.

Upon issuing bonds, the builder does not immediately "cash out" of the mortgages but rather leaves a substantial amount of income yet to be realized through repayment of the mortgages in the future. Builders are able to sustain builder bond programs by the deferral of taxes through the long-recognized installment sale method of reporting income. This allows the builder to pay taxes as liquidity is regained from the repayment of the mortgages.

This tax treatment is consistent with tax principles of over 50 years standing and approved by rulings issued by the Internal Revenue Service.

However, the administration is now mounting an attack on builder bonds and Secretary Regan is considering proposals to deny the installment sale method of accounting for builder bonds and make other revisions in the builder bond program. This would be devastating to the homebuilding industry and to the home buying public without significantly increasing the overall revenues to the Federal Government.

Our resolution expresses the sense of Congress that it is opposed to any legislative or administrative action that would alter the way in which builder bond transactions are currently taxed.

The housing industry has just struggled through the toughest and most painful time since the Great Depression—without Government help. Builders across the country have stayed afloat through their own initiative, the sweat of their brow, and innovative forms of finance such as builder bonds. Today, they help drive the engine of economic recovery by generating 1,700 jobs for every 1,000 housing units built and bringing revenue back to the Treasury.

At a time when Government housing policies are on the retreat, builder bonds demonstrate the ability of the private sector to respond to the housing needs of the Nation without Government subsidy. This is especially important as the Nation tries to house the postwar baby boom generation. Failure to fulfill this need will not only put upward pressure on home prices, fueling inflation, but could also have important social costs.

These are just some of the reasons why I urge my colleagues to cosponsor

our resolution and voice your support for the continuation of builder bonds.

Housing indicators are up. Finally, thousands of American families and thousands employed in housing- and timber-related industries have reason to expect a brighter tomorrow. Now is not the time to dash their hopes and jeopardize a sustained housing recovery.●

TRIBUTE TO MR. FRANK J. ZUCHOWSKE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Ms. KAPTUR. Mr. Speaker, recently, my district lost one of its most admired and respected citizens, Mr. Frank J. Zuchowski. Frank Zuchowski contributed so much to this community all of his adult life. He served as mayor of Rossford, Ohio, for 14 years—a tenure that was marked by great accomplishment and dignity. For 43 years, Frank Zuchowski was an exemplary employee of Libbey-Owens-Ford Co.—doing his part to build the economy of our area.

Beyond his distinguished public service as mayor, Frank Zuchowski actively participated in a host of civic and fraternal organizations including: the Wood County Democratic Executive Committee for 50 years; the Polish National Alliance for 40 years, Knights of Columbus, Glass Workers Union Local 9, and Holy Cross Council. Frank Zuchowski will be missed by all those who had the privilege of knowing him.

Mr. Speaker, I know my colleagues in the U.S. House of Representatives join me in offering our condolences to his lovely wife Alfreda and his large and loving family. On behalf of all the people in the Ninth District, I say thank you to the Zuchowski family for sharing this special person with us.●

NATIONAL SALUTE TO HOSPITALIZED VETERANS

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. MONTGOMERY. Mr. Speaker, during the week of February 14, the Veterans Administration will sponsor a nationwide effort paying special tribute to the more than 1 million veterans who enter VA medical facilities for medical attention each year.

Although Veterans Day is the traditional day when all American veterans are remembered, the Veterans Administration plans special activities for the patients in its medical facilities during a week-long tribute each year. These activities are in recognition of the particular challenges which these men and women, often far from family and friends for extended periods of time, face during their hospitalization.

This salute will also provide a unique opportunity for individuals and organizations to visit VA medical facilities and discover the professional excellence of the Nation's No. 1 health care delivery system.

Mr. Speaker, I urge my colleagues and the public to join in this salute by visiting our hospitalized veterans to show that we care and that we appreciate the personal sacrifices they have made and, in many instances, continue to make in our behalf. Anyone wishing to participate may simply contact the nearest Veterans' Administration medical facility.

All it takes is a friendly smile, a handshake, or a brief chat. Nothing hurts like being forgotten * * * nothing helps like being remembered.●

LEGISLATION TO CONTINUE MORTGAGE REVENUE BONDS

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. BLILEY. Mr. Speaker, today I am introducing legislation to continue to allow mortgage revenue bonds to be issued.

This worthy program makes housing affordable for millions of Americans who would not otherwise be able to achieve "the American dream." Last session, extension of the program had the support of substantial majorities of both the House and the Senate. Yet, due to the controversies over another provision of the same bill, this program expired on December 31, 1983.

The refusal of the House of Representatives to consider H.R. 4170, the so-called Tax Reform Act of 1983, in no way connoted disapproval of the popular mortgage bond program. In fact, the program's immense popularity was a hostage for the leadership's push for sweeping, controversial changes to other programs.

The mortgage bond program must not be allowed to die as a result of the controversies over another, separate program. And if those controversies are to be settled legitimately, they should be brought to the House floor and debated fairly, openly and on their own merits. They should not be used as the ransom for extending the mortgage bond program that serves lower income persons so well.

For these and other reasons, Mr. Speaker, I am introducing an individual bill to extend the mortgage bond program on its own merits. I urge the Members to push for enactment of this legislation which means so much to their constituents.●

A TRIBUTE TO EMIDIO CACCIABEVE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. COURTER. Mr. Speaker, on January 28, the friends, family, and colleagues of Emidio Cacciabeve will join together to celebrate and commemorate the retirement of this fine citizen of New Jersey. Mr. Cacciabeve has served the citizens of Boonton since 1958 as mayor, alderman and board president, as well as chairman of important police, health, fire, and finance committees.

His many fine accomplishments and tireless work are motivation for us all. His keen leadership and wise judgement have resulted in an excellent municipal government worthy of special recognition.

The people of Boonton have certainly benefited from the dedication and devotion of this fine man. He truly deserves to be commended, and together with my colleagues, Emidio's family, friends, and associates, I would like to wish him all the best in his future endeavors. He is loved by many and appreciated for his contribution to the community.●

BOY SCOUTS OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. NATCHER. Mr. Speaker, Scouting Anniversary Week will be celebrated nationally February 5 to 11, with the theme "Catch the Scouting Spirit." The week-long observance is dedicated to the untiring efforts of the volunteers who have been the foundation of the Boy Scouts of America.

Membership in the Boy Scouts of America is increasing as the organization continues to expand its horizons and reach out to persons not specifically pinpointed before: Handicapped youth; innercity youth; 7-year-old boys through the Tiger Cub program; 14- to 18-year-old boys through Varsity Scouting; "latch-key" children through "Prepared for Today" material; and teenage females in the Explorers.

Times may have changed, but the principles of the Boy Scouts of America remain the same: Developing character, responsible citizenship, and personal fitness. Volunteers have served

as role models for the young people and have played a vital part in the success of Boy Scouts of America since its inception in 1910.

Scouting is continuing to grow and expand in my home State of Kentucky. The membership of the Four Rivers Council, which includes the Second District which I have the privilege to represent in Congress, increased again in 1983 along with the number of Scouting units. In addition, 1983 saw 18 Scouts achieve the rank of Eagle Scout.

The Four Rivers Council is developing a high adventure program at Camp Manchester and hopes to have it available to all youth groups next fall. In 1984 the council will emphasize developing programs and organizing units to service special youth with mental or physical handicaps.

At this time I join with the members of Boy Scouts of America in honoring their volunteers and I want to commend the Scouts and their volunteers for their past achievements and wish them continued success in the future.●

WESTINGHOUSE WINNERS

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. LENT. Mr. Speaker, it is a great honor to bring to the attention of my colleagues the notable achievements of two exceptional students from New York's Fourth Congressional District who have been selected from over 1,056 entries as finalists in the 43d annual Westinghouse Science Talent Search. Sun Hye Yang, of Baldwin, and Ken Chang Lin, of Plainview, have been invited to Washington, D.C., to compete for the Westinghouse Science Scholarships and Awards in March.

Sun Hye Yang, a senior at Baldwin High School, selected a chemistry project for her entry: a study of the relationship between the rate of oxidation band migration and reactant concentration in an oscillating chemical system. A winner of the Rensselaer Polytechnic Institute Math and Science Award and the Dakin Memorial Award from the chemistry department of Adelphi University, Sun plans to enroll at the Massachusetts Institute of Technology to study electrical engineering and computer science. Sun, born in Korea, is the daughter of Mr. and Mrs. Chang Joo Yang.

Ken Chang Lin, a senior at Plainview-Old Bethpage High School, won for his research on the egg depositing behavior of the onion fly. He conducted the experiments while attending the high school honors science program at Michigan State University during this past summer.

Ken has also earned recognition in the field of mathematics, winning several awards for his achievements, including the Nassau County Junior Mathletes High Scoring Achievement Award and a gold medal at the Long Island Math Fair held at Hofstra University. Ken plans to attend Stanford University to pursue his talents in the fields of biomedical engineering or medicine. Born in Taiwan, he is the son of Dr. and Mrs. Chi-Yung Lin.

I congratulate Sun Hye Yang and Ken Chang Lin on their scholastic achievements. In man's quest to learn more about the world around him, great advances have been made in science and technology. With young students like Sun and Ken, we can be assured that the quest for knowledge will continue and will help bring further advances.

Their example serves as an inspiration to every young person.

Sun and Ken will now go on to compete for 1 of the 10 Westinghouse scholarships to the college of their choice. As their Representative in the U.S. Congress, I wish them every success in their future endeavors.●

LEGISLATION TO ALLOW A DEDUCTION FROM INCOME FOR SEWER SERVICES

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 6, 1984

● Mr. CONTE. Mr. Speaker, on January 24, I introduced with my colleague from Massachusetts, BARNEY FRANK, H.R. 4622, legislation which would allow taxpayers to deduct sewer user fees from Federal taxes. I hope that you will join us as a cosponsor of this legislation.

Mr. Speaker, section 164 of the Internal Revenue Code allows taxpayers to claim as an itemized deduction certain taxes, including State and local personal and real property taxes. No provision is made, however, for deductions of certain user fees from which the user derives any tangible benefit. The Internal Revenue Service explains that a tax is an enforced contribution, enacted pursuant to legislative authority in the exercise of taxing power, and imposed and collected for the purpose of raising revenue to be used for public or governmental purposes. It is not enacted as a payment for some special privilege granted or service rendered. Thus, under the Internal Revenue Code, a user fee is not a tax and thus is not deductible.

Mr. FRANK and I believe, however, that citizens who pay a user fee for sewer service should be able to deduct that fee from Federal income taxes. In many cases, for a city to obtain a Federal sewer grant, they must impose a user fee on the citizens hooked into the sewer system. It seems only fair that if the Federal Government is requiring a user fee that it should be allowed as a deduction. Many individuals cannot afford large increases in user fees, nor can they afford the basic fees themselves.

As a matter of equity, Mr. Speaker, we believe that our legislation—which would simply create an additional deduction in Code section 164—should be enacted. Mr. FRANK and I urge the Committee on Ways and Means to act on this legislation quickly, and urge our colleagues to cosponsor H.R. 4622.●

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, February 7, 1984, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 8

8:30 a.m.

Labor and Human Resources

To hold hearings on the nomination of Frank X. Lilly, of Maryland, to be Solicitor, Department of Labor.

SD-430

9:00 a.m.

Commerce, Science, and Transportation

To resume hearings on S. 1917, to repeal the equal time rules and the fairness doctrine provisions imposed on the electronic media by the Communications Act of 1934.

SR-253

Labor and Human Resources

To hold hearings on S. 2111, to reform certain provisions of the Jobs Corps Act by extending the use of private sector expertise to the operation of civilian conservation centers, requiring contractors to assume specific and reasonable responsibilities for achievement and behavior of students as well as for the maintenance of centers, and

to codify certain program improvements.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings on the first monetary policy report for 1984 of the Federal Reserve System.
SD-538

Budget
To continue hearings in preparation for reporting the first concurrent resolution on the fiscal year 1985 budget.
SD-608

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Finance
To hold hearings to review the proposals of the President's Private Sector Survey on Cost Control (Grace Commission).
SD-215

Foreign Relations
To continue hearings to review the report of the National Bipartisan Commission on Central America.
SD-419

Judiciary
Administrative Practice and Procedure Subcommittee
To resume hearings to review the Supreme Court ruling to repeal the legislative veto.
SD-226

10:15 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for military programs of the Department of Defense, focusing on Air Force programs.
SD-138

11:00 a.m.
Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the Department of Energy.
SD-366

1:30 p.m.
*Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

2:00 p.m.
Agriculture, Nutrition, and Forestry
Agricultural Production, Marketing, and Stabilization of Prices Subcommittee
To hold hearings on S. 2085, to extend authority through fiscal year 1988 for the Secretary of Agriculture to recover costs associated with cotton classing services to producers.
SR-328A

Veterans' Affairs
To hold hearings on proposed budget for fiscal year 1985 for the Veterans' Administration.
SR-418

2:30 p.m.
Foreign Relations
To hold hearings on the nomination of Robert F. Kane, of California, to be Ambassador to Ireland.
SD-419

3:30 p.m.
Foreign Relations
To hold hearings on the nominations of Harold K. Phillips, of California, to be a member of the Board of Directors of the Inter-American Foundation, and David C. Jordan, of Virginia, to be Ambassador to Peru.
SD-419

FEBRUARY 9

9:00 a.m.
*Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense, focusing on Army programs.
SD-138

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue oversight hearings on the first monetary policy report for 1984 of the Federal Reserve System.
SD-538

Environment and Public Works
To resume hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406

Labor and Human Resources
Labor Subcommittee
To hold hearings on S. 2145, to permit industrial homework by individuals, including craftswork and the performance of services in such individuals' residences, if their employers comply with the minimum wage and maximum hours provisions of the Fair Labor Standards Act.
SD-430

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

9:45 a.m.
Energy and Natural Resources
Business meeting, to consider the nominations of Ann Dore McLaughlin, of the District of Columbia, to be Under Secretary of the Interior, and Richard T. Montoya, of Texas, to be an Assistant Secretary of the Interior.
SD-366

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Commerce, Science, and Transportation
Surface Transportation Subcommittee
To hold hearings on S. 2174, authorizing funds to provide for more effective motor carrier safety regulations and enforcement.
SR-253

Energy and Natural Resources
To hold hearings on the President's proposed budget request for fiscal year 1985 for the U.S. Synthetic Fuels Corporation, the U.S. Forest Service, and the Federal Energy Regulatory Commission.
SD-366

Governmental Affairs
To hold hearings on S. 1746, to require Government agencies to procure goods and services from private sources, except under specified conditions.
SD-342

Judiciary
Business meeting, on pending calendar business.
SD-226

Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

2:00 p.m.
Commerce, Science, and Transportation
To hold hearings jointly with the national ocean policy study on S. 2160, to establish a National Fisheries Marketing Council.
SR-253

Energy and Natural Resources
Public Lands and Reserved Water Subcommittee
To hold hearings on S. 1611, to designate specified lands in Arizona and Utah as wilderness, and S. 2155, to designate specified lands in Utah as wilderness.
SD-366

Finance
To hold hearings on alternatives to the tax on the use of heavy trucks.
SD-215

2:30 p.m.
Joint Economic
To continue hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-562

FEBRUARY 10

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold hearings on S. 2186, to provide for the establishment of a State Mining and Mineral Resources Research Institute program.
SD-366

Environment and Public Works
To continue hearings on S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95).
SD-406

Rules and Administration
To hold hearings on Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Joint Economic
To continue hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SD-124

FEBRUARY 21

9:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Finance
International Trade Subcommittee
To hold hearings on S. 1723, to redesignate the U.S. Trade Representative as the President's Representative for Trade Negotiations, and the provisions of S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government (pending on Senate Calendar).
SD-215

Rules and Administration
Business meeting, to consider Senate committee resolutions requesting funds for operating expenses for 1984.
SR-301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
Room to be announced

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Governmental Affairs
Intergovernmental Relations Subcommittee
To hold oversight hearings on the Office of Management and Budget circular A122, to restore use of Federal funds for lobbying by contractors and grantees.
SD-342

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Vocational Education Act.
SD-430

Veterans' Affairs
To hold hearings on S. 1747, to establish peacetime veterans' career members contributory educational assistance programs, the substance of S. 1873, to direct the President to report to the Congress on the recruitment and retention needs and experiences of the Armed Forces, and to review the veteran's education assistant program (VEAP).
SR-418

FEBRUARY 22

9:30 a.m.
Appropriations
To hold hearings to review the President's proposed budget requests for fiscal year 1985.
SD-192

Banking, Housing, and Urban Affairs
To hold hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Science Foundation.
SR-253

10:00 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

11:30 a.m.
Judiciary
Separation of Powers Subcommittee
Business meeting, to mark up Senate Concurrent Resolution 40, to provide grandparents with adequate rights to petition State courts for privileges to visit their grandchildren following the dissolution of the parent's marriage.
SD-226

FEBRUARY 23

9:00 a.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Science Foundation.
SR-253

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Defense.
SD-192

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the American Battle Monuments Commission, Army cemeterial expenses, Office of Consumer Affairs, and the Consumer Information Center.
SD-124

Appropriations
Transportatiion and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation.
SD-138

Environment and Public Works
Nuclear Regulation Subcommittee
To hold hearings on proposed budget request for the Nuclear Regulatory Commission.
SD-406

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up proposed legislation authorizing funds for the Vocational Education Act.
SD-430

FEBRUARY 24

9:30 a.m.
Finance
Savings, Pensions and Investment Policy Subcommittee
Taxation and Debt Management Subcommittee
To hold joint hearings on S. 1857, to revise certain tax rules relating to private foundations, and S. 2165, to make permanent the income tax credit for research and development expenditures.
SD-215

Labor and Human Resources
Aging Subcommittee
To resume oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title III, long-term care provisions.
SD-430

10:00 a.m.
Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation to express the sense of the Senate that parents of adolescent children should be involved in the care, treatment, and counseling of adolescents served by Federal assistance programs.
SD-628

11:00 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 1758, to establish a recovery account system for calculating the depreciation deduction under the accelerated cost recovery system for 3- and 5-year personal property.
SD-215

FEBRUARY 27

9:30 a.m.
Finance
International Trade Subcommittee
To resume hearings on S. 1723, to redesignate the U.S. Trade Representative as the President's Representative for Trade Negotiations, and the provisions of S. 121, to establish a U.S. Department of Trade as an executive department of the Federal Government (pending on Senate Calendar).
SD-215

1:30 p.m.
Finance
Health Subcommittee
To hold hearings on S. 2053, to provide for the placement of severely disabled individuals in community or family living facilities.
SD-215

FEBRUARY 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1984 for the Mine Safety and Health Review Commission, ACTION, Corporation for Public Broadcasting, National Commission on Libraries and Information Science, and the Soldiers' and Airmen's Home.
SD-116

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for National Aeronautics and Space Administration.
SR-253

Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of local chapters of the Operating Engineer's Union.
SD-430

Labor and Human Resources Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title IV, research demonstration and education training provisions.
SD-628

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Washington Metropolitan Area Transit Authority, and the Research and Special Programs Administration, Department of Transportation.
SD-124

FEBRUARY 29

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Railroad Retirement Board, National Labor Relations Board, National Mediation Board, OSHA Review Commission, Prospective Payment Assessment Commission, and Federal Mediation and Conciliation Service.
SD-116

9:30 a.m.
Labor and Human Resources
To continue oversight hearings on alleged corruption by officials of local chapters of the Operating Engineer's Union.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Environment and Public Works
Transportation Subcommittee
To hold oversight hearings on the implementation of the Surface Transportation Assistance Act (Public Law 97-424).
SD-406

Veterans' Affairs
To hold oversight hearings on the Veterans Administration readjustment counseling program and the VA loan guaranty program.
SD-418

10:30 a.m.
Joint Economic
To resume hearings in preparation of its forthcoming annual report, focusing on the economic outlook for 1984 and Federal economic policy.
SR-325

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Labor, and the Employment and Training Administration, Department of Labor.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration.
SR-253

9:30 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.
SD-106

Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold hearings on S. 910 and H.R. 559, bills to permit the Securities and Exchange Commission to assess civil penalties for trading in securities while in possession of material nonpublic information.
SD-538

Small Business
Innovation and Technology Subcommittee
To hold oversight hearings on the implementation of the Small Business Innovation Research Act (Public Law 97-219).
SR-428A

10: a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Science Foundation.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on S. 1531, to provide for the establishment and operation of school-age child care services in public schools.
SD-430

MARCH 2

9:30 a.m.
Energy and Natural Resources
Energy and Mineral Resources Subcommittee
To hold oversight hearings to review the process of recovering oil by mining.
SD-366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the U.S. Representative to the United Nations, and for voluntary contributions to international organizations and programs.
SD-192

Environment and Public Works
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the Environmental Protection Agency.
SD-406

MARCH 6

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Bureau of Standards.
SR-253

Labor and Human Resources
Labor Subcommittee
To hold oversight hearings on the implementation of the Taft-Hartley Act.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Architectural and Transportation Barriers Compliance Board, and the Office of Inspector General, Department of Transportation.
SD-138

Environment and Public Works
Business meeting, to consider those items in the President's budget for fiscal year 1985 which fall within its legislative jurisdiction and consider recommendations which it will make thereon to the Budget Committee.
SD-406

11:30 a.m.
Veterans' Affairs
To hold hearings to review the legislative priorities of the Veterans of Foreign Wars.
SD-106

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, focusing on international security assistance programs.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 7

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Labor-Management Services Administration, Employment Standards Administration, and Bureau of Labor Statistics, all of the Department of Labor, and the Pension Benefit Guaranty Corporation.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To continue hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal years 1985 and 1986 for the U.S. Coast Guard.
SR-253

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Railway Association, and Conrail.
SD-138

Finance
To hold hearings to review the Social Security Advisory Council's recommendations on medicare trust solvency.
SD-215

Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

Veterans' Affairs
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1985 for the Veterans' Administration.
SR-418

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of State, focusing on international narcotics control, migration and refugee assistance, and antiterrorism programs.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

MARCH 8

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Occupational Safety and Health Administration, Mine Safety and Health Administration, and Departmental Management, all of the Department of Labor, and the President's Committee on Employment of the Handicapped.
SD-116

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal year 1985 for the National Aeronautics and Space Administration.
SR-253

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs administered by the Agency for International Development.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of Science and Technology Policy, Selective Service System, and the Consumer Product Safety Commission.
SD-124

Energy and Natural Resources
Energy Conservation and Supply Subcommittee
To hold hearings on H.R. 3169, to facilitate commerce by the domestic renewable energy industry and related service industries.
SD-366

Environment and Public Works
Business meeting, to mark up S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs administered by the Agency for International Development.
S-126, Capitol

MARCH 13

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Education, Departmental Management, Salaries and Expenses, Office of Civil Rights, and Office of Inspector General, all of the Department of Education.
SD-116

Office of Technology Assessment
The Board to hold a general business meeting.
Room to be announced

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.
SD-538

Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73), focusing on title V, community services employment provisions.
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Panama Canal Commission, and the St. Lawrence Seaway Development Commission, Department of Transportation.
SD-138

Environment and Public Works
Business meeting, to resume markup of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of, the Clean Air Act (Public Law 95-95), and other pending calendar business.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for Multilateral Development Banks.
S-126, Capitol

MARCH 14

8:30 a.m.
Labor and Human Resources
To hold hearings on pending nominations.
SD-430

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including elementary and secondary education, education block grants, and impact aid.
SD-116

9:30 a.m.
Labor and Human Resources
To resume hearings on proposed legislation authorizing funds for health programs administered by the Public Health Service, Department of Health and Human Services.
SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Environment and Public Works
Business meeting, to resume markup of S. 768, to authorize funds through fiscal year 1987 for, and extend certain programs of the Clean Air Act (Public Law 95-95), and other pending calendar business.
SD-406

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on a proposed budget estimates for fiscal year 1985 for the Office of Inspector General, Agency for International Development, Gen-

eral Accounting Office, the Peace Corps, and the Inter-American Foundation.

S-126, Capitol

MARCH 15

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including Vocational and Adult Education, Education for the Handicapped, and Rehabilitation Services and Handicapped Research.

SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Civil Aeronautics Board.

SD-124

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings on restoring classroom discipline in public schools.

SD-430

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Export-Import Bank.

S-126, Capitol

MARCH 20

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including student financial assistance, student loan insurance, higher and continuing education, higher education facilities loan and insurance, and educational research and training activities overseas.

SD-116

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
To hold oversight hearings on the implementation of the Older Americans Act (Public Law 89-73).

SD-628

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Council on Environmental Quality, and the Environmental Protection Agency.

SD-124

1:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for foreign assistance programs.

S-126, Capitol

MARCH 21

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Education, including college housing loans, special institutions, Howard University, the National Institute of Education, education statistics, bilingual education, and libraries.

SD-116

Labor and Human Resources
To hold hearings on pending nominations.

SD-430

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.

SD-538

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Highway Administration, and the Office of the Secretary of Transportation.

SD-138

Labor and Human Resources
Business meeting, to consider pending calendar business.

SD-430

MARCH 22

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Veterans' Administration.

SD-124

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold hearings to review the educational needs of native Hawaiian children.

SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for Head Start programs.

SD-562

MARCH 23

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Office of the Secretary of Health and Human Services.

SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Transportation Safety Board.

SD-138

MARCH 26

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).

SD-430

MARCH 27

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Health and Human Services, including the Health Resources and Services Administration, and the Office of the Assistant Secretary for Health.

SR-432A

9:30 a.m.
Banking, Housing, and Urban Affairs
To resume hearings on S. 2181 and S. 2134, bills to authorize and define the scope of powers for depository institutions and their holding companies and to revise certain Federal bank regulations.

SD-538

Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).

SD-430

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.

SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Railroad Administration, Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).

SD-138

MARCH 28

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for pro-

grams of the Department of Health and Human Services, including the Health Care Financing Administration, Social Security Administration, and refugee programs.
SD-116

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Blinded Veterans Association, Paralyzed Veterans of America, Military Order of the Purple Heart, and Veterans of WWI.
SR-325

MARCH 29

9:30 a.m.
Labor and Human Resources
Aging Subcommittee
Business meeting, to consider proposed legislation authorizing funds for fiscal years 1985, 1986, and 1987 for programs of the Older Americans Act (Public Law 89-73).
SD-430

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Aeronautics and Space Administration.
SD-124

MARCH 30

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including Human Development Services.
SD-116

APRIL 2

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 3

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Aviation Administration, Department of Transportation.
SD-138

Labor and Human Resources
Alcoholism and Drug Abuse Subcommittee
To hold hearings on proposed legislation authorizing funds for the National Institute on Drug Abuse, and the National Institute on Alcohol Abuse and Alcoholism.
SD-430

Labor and Human Resources
Family and Human Services Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-562

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 4

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To continue hearings on proposed budget estimates for fiscal year 1985 for the National Institutes of Health, Department of Health and Human Services.
SD-116

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Interstate Commerce Commission.
SD-138

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 5

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Centers for Disease Control, and the Alcohol, Drug Abuse and Mental Health Administration.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Neighborhood Reinvestment Corporation, National Credit Union Administration, and the Office of Revenue Sharing (New York City loan program), Department of the Treasury.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for low income energy assistance and Head Start programs.
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for energy and water development programs.
SD-192

APRIL 10

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for programs of the Department of Health and Human Services, including the Office of Inspector General, Office for Civil Rights, Policy Research, and Departmental Management, Salaries and Expenses.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the U.S. Coast Guard.
SD-138

APRIL 11

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and

Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Urban Mass Transportation Administration, Department of Transportation.
SD-138

Labor and Human Resources
To resume oversight hearings on certain activities of the Legal Services Corporation, focusing on past and present policies at the corporation, including political activity.
SD-430

APRIL 12

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Federal Emergency Management Agency, and the Federal Home Loan Bank Board.
SD-124

APRIL 24

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

APRIL 25

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

APRIL 26

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Housing and Urban Development.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title XX (adolescent family life demonstration projects).
SD-430

MAY 1

9:00 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Labor, Health and Human Services, Education, and certain related agencies.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Departments of Transportation and certain related agencies.
SD-138

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

MAY 2

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-138

MAY 3

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for the Department of Transportation and certain related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Public Health Service Act, focusing on title X (family planning).
SD-430

MAY 7

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

MAY 8

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1985 for certain programs of the Department of Housing and Urban Development and related agencies.
SD-124

Labor and Human Resources
Family and Human Services Subcommittee
Business meeting, to consider proposed legislation authorizing funds for programs of the Public Health Service Act, including title X (family planning), and title XX (Adolescent Family Life Act).
SD-430

MAY 9

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

MAY 22

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on alleged corruption by officials of the Boilermaker's Union.
SD-430

JUNE 13

10:00 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

JUNE 19

9:30 a.m.
Labor and Human Resources
To hold oversight hearings on the civil rights of victims in labor disputes, fo-

cusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

JUNE 20

9:30 a.m.
Labor and Human Resources

To continue oversight hearings on the civil rights of victims in labor disputes, focusing on existing agencies ability to protect rank and file employees and the general public during labor disputes.

SD-430

CANCELLATIONS

FEBRUARY 8

2:00 p.m.
Judiciary

To hold hearings on pending nominations.

SD-226