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SENATE—*Tuesday, July 31, 1984*

(Legislative day of Monday, July 30, 1984)

The Senate met at 11 a.m., on the expiration of the recess, 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.

God of righteousness, Thou knowest the pressures which bear upon public servants from without and within: from without, pressure from constituents, private interests, party, peers; from within, ambivalence, uncertainty, and expediency versus principle.

God of truth, save us from reducing our political system to the numbers game. Help Senators to weigh opinion as well as count it. We know that perception influences action and much public perception about government and issues is contrary to the facts. Give to all public servants the ability to communicate what the people need to hear, not just what they want to hear.

God of light, grant grace to the Senators that they may have courage for the right when convinced that the majority is wrong. Give them strength to resist every pressure that would compromise their integrity and power to lead when cynicism and disinformation prejudice the minds of the people. For Thy glory. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

Mr. BAKER. Mr. President, I thank the Chair for recognizing me.

SENATE SCHEDULE

Mr. BAKER. After the two leaders are recognized today, Mr. President, there will be two special orders, then the time for the transaction of routine morning business until noon. At 2 p.m., when the Senate resumes session after our customary Tuesday recess for the caucuses of both parties away from the Senate Chamber, we shall resume consideration of the motion to concur in the House amendment to S. 268, on which cloture has been invoked and on which we shall be governed by the provisions of rule XXII.

Mr. President, it is the hope of the leadership that we can finish that measure today. I hope that will not require us to remain late, but Senators should be on notice that, given the short amount of time we have left before our next break, for the Republican National Convention this time, I think we have no alternative except to try to finish that matter today. That may require our being in late. Once again, I hope that is not the case. That need not be the case.

In any event, that is the possibility. Once again, I urge Senators to consider that if it is necessary to remain late to finish the Hoover Dam bill, we shall try to do that.

Mr. President, a cloture vote was scheduled by unanimous consent today at 3 o'clock on the Wilkinson nomination. That will not occur now, given the circumstances which now obtain—that is to say, cloture having been invoked on the Hoover Dam bill. But as soon as the Hoover Dam bill is passed, the cloture vote will occur on the Wilkinson nomination after 1 hour of debate. It is anticipated that a second cloture motion on the Wilkinson nomination will be filed sometime during the day today, when and as the Senate can agree to that or can go into executive session briefly for that purpose.

Mr. President, this will be a busy week. In addition to the Hoover Dam matter and the Wilkinson nomination, we shall have, I am told, available to the Senate the agriculture appropriations bill on tomorrow. It will be the intention of the leadership on this side to ask the Senate to turn to the consideration of that measure this week—I hope tomorrow. In any event, Mr. President, we shall do all appropriations bills as we can receive them.

We shall have MilCon coming, Labor-HHS coming, and DC appropriations. As we receive those matters, an effort will be made, in coordination with the minority leader, to get those scheduled as soon as possible.

Mr. President, it is the intention of the leadership on this side to ask the Senate, either at the end of this week or the first of next week, to go to the foreign assistance appropriations bill. I shall confer with the distinguished chairman of the Committee on Foreign Relations on that for the exact timing and, of course, with the minority leader. The Senate should be on notice that later this week or early next week, foreign assistance will be scheduled.

The general supplemental appropriations bill will be coming over to us from the House of Representatives later this week, I assume, and that must be done before we go out at the end of next week as well.

What I am describing, Mr. President, is a very extensive list of things that must be done within the next 8 legislative days. We are going to have to put our shoulders to the wheel to get those things done.

So, once again, Mr. President, we should be on notice of the possibility of a late session tonight if necessary, but only for the purpose of finishing the Hoover Dam bill, and late sessions later in the week as that becomes manifestly necessary. It is not the intention of the leadership to ask us to stay in late every night this week or any night this week arbitrarily. But Senators should be on notice that that is the possibility.

With that bad news, Mr. President, I do not think I dare say anything else. I am prepared to yield to the minority leader any time I have remaining under the standing order.

Mr. BYRD. Mr. President, I thank the distinguished majority leader.

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

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RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER [Mr. MATTINGLY]. The Democratic leader is recognized.

RECORD TRADE SHORTFALL THREATENS ECONOMY

Mr. BYRD. Mr. President, last Friday, July 27, the Commerce Department reported that the June trade deficit of $8.9 billion will bring America's trade shortfall for the first half of 1984 to a record $59.7 billion. This staggering figure is more than twice as high as the trade deficit in the first 6 months of last year.

But, according to Commerce Secretary Malcolm Baldrige, the worst news is yet to come. He predicted that our trade deficit will be "somewhat higher during the second half of this year." Economic analysts at the Commerce Department are predicting a year-end trade shortfall of between $120 billion and $130 billion—the largest trade deficit in history by far.

The trade deficit is the result of an overvalued dollar, brought on by high interest rates and partially brought on by an astronomical domestic budget deficit. Thus, the enormous Federal budget deficit feeds the trade deficit, and both of these record deficits undermine the foundations of our economy.

The trade deficit costs jobs—an estimated 25,000 jobs are lost or not created for every $1 billion of our trade shortfall. My own State of West Virginia ranks third in the Nation in the percentage of its manufactured goods going for export, so the trade deficit is a matter of special concern to Senator RANDOLPH and me. But trade deficits of this magnitude threaten the economy in every State, and translate into a loss of American leadership in the world market.

Mr. President, I ask unanimous consent that a Washington Post article of Saturday, July 28, entitled "Trade Deficit Mounts at Record Pace" be printed in the RECORD.

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

[From the Washington Post, July 28, 1984]

TRADE DEFICIT MOUNTS AT RECORD PACE

(By Stuart Auerbach)

The Commerce Department yesterday broke the string of rosy economic reports for June in announcing the U.S. merchandise trade deficit jumped to $8.9 billion.

The June totals brought the deficit for the first half of the year to $59.7 billion, more than twice as high as the figures for the first six months of 1983. On an annual basis, the deficit for the first half of the year would total $119.5 billion well above last year's $69.4 billion record deficit.

A Commerce Department study predicted this year's deficit could climb as high as $130 billion. As a result of a slackening of the deficit in the past two months, however, department trade economist David Lund said the figure would likely hit about $120 billion.

Even though the rate of increase in the trade deficit has slowed, Commerce Secretary Malcolm E. Baldrige said there is more bad news ahead.

"Continued growth in our economy will raise imports further, and despite export gains, will push U.S. trade deficits somewhat higher during the second half of this year," he said.

The unfavorable trade figures contrast sharply with the recent stream of bright economic news from the government—including a rapid 7.5 percent rise in the growth rate of the gross national product, a four-year low for unemployment, and a modest 3.2 percent increase in inflation. These upbeat reports have buoyed President Reagan's reelection campaign and led White House spokesman Larry Speakes to boast, "Economic growth in the recovery is stronger than at any other time since 1950."

The greater strength of the recovery in this country compared with the rest of the world—and the resulting increase in demand for imports to the United States—is cited by government and private economists as one major reason for the record trade deficits.

Other important reasons given, however, are underlying weak spots in the economy. The strong dollar, for example, makes imports less expensive while raising the price foreign customers must pay for U.S. exports. The strong dollar, in turn, generally is blamed on high interest rates, which attract foreign investment, and on the record $200 billion federal deficit.

A new Commerce Department study, however, pointed out that the trade picture would look worse if it were not for a sharp decline over the past two years in the cost of oil imports and a continued rise in the price of U.S. exports. The drop in oil prices lowers the import figures, while the increase in the cost of U.S. products inflates the export totals.

Nonetheless, there were some bright spots in the June trade figures. Imports declined for the second month in a row to $26.5 billion, the lowest level since December 1983 (although the increase over the past four quarters totaled 27.6 percent). Lund said increases in domestic production were filling the country's demand for manufactured goods.

The Commerce Department noted slowdowns in the sales of foreign cars and wearing apparel; car makers and clothing manufacturers have been pressing the Reagan administration for import protection. The department also reported decreases in imports of electric machinery, steel pipes and telecommunications equipment.

Exports slipped in June, to $17.6 billion, though they are still running slightly ahead of last year.

The decline in exports was largely the result of a sharp drop in overseas sales of farm commodities—including corn, wheat, animal feeds and raw cotton—and the decrease more than offset a moderate increase in exports of manufactured goods, which went up for the third month in a row. Biggest sellers were commercial and military planes.

June's $8.9 billion trade deficit was slightly higher than the May deficit of $8.8 billion—the lowest in the preceding five months. But both figures were far below the record high monthly deficit of $12.2 billion, set in April.

On a country-by-country basis, the deficit with Japan remained by far the largest, although it dropped to $2.8 billion for June from $3.2 billion for May. This was caused largely by a decrease in automobile imports, which dropped $223.7 million from Japan alone and $411.4 million across the board.

The U.S. trade deficit with Western Europe also narrowed, the $979 million for June from $1.2 billion for May, while the deficit with members of the Organization of Petroleum Exporting Countries grew to $1.39 billion from $1.17 billion for May.

Mr. BYRD. Mr. President, does the distinguished Senator from Virginia [Mr. WARNER] need any time?

Mr. WARNER. Mr. President, I thank the minority leader for his inquiry. It is my understanding I have a special order.

Mr. BYRD. All right.

Mr. WARNER. But I am in no hurry and delighted to convenience the minority leader. I am interested in hearing the remainder of his remarks.

Mr. BYRD. Mr. President, I have finished. I thought I would yield my remaining time to the distinguished majority leader for his use or his yielding time to the able Senator.

Mr. President, I yield my remaining time to the majority leader. I yield the floor.

Mr. WARNER. Mr. President, I wish to comment on the remarks of the distinguished minority leader. Indeed, this trade imbalance is a very serious situation that undoubtedly is impacting on a number of our economic indicators to date. I think the comments of the minority leader are an important contribution to this dialog.

RECOGNITION OF SENATOR WARNER

The PRESIDING OFFICER. The Senator from Virginia [Mr. WARNER] is recognized for not to exceed 15 minutes.

NATIONAL CHESS COCHAMPIONS

Mr. WARNER. Mr. President, I rise to call the attention of my colleagues to the accomplishments of a group of students from Pulaski, VA, who returned from the recent National Scholastic Chess Tournaments with unprecedented national cochampionships in three categories.

One Virginia news report likened their feat to a professional football team winning the Super Bowl or a golfer winning the green blazer of the Masters Tournament.

This remarkable group of sixth, seventh, eighth, and ninth graders from Pulaski Middle School and Pulaski High School played in two separate tournaments in New York and Arizona.

In a rigorous test of chess skills at the National Tournament for Elementary Schools held in Syracuse, NY, a team from Pulaski Middle School

shared the top spot—national cochampions in the sixth grade division.

But the winning did not stop there.

Across the country, at the Junior High School National Tournament in Tucson, AZ, two more Pulaski teams showed their mettle and cochampioned the seventh-eighth grade division and the ninth grade division.

As great as these victories are, there had to be help from a behind-the-scenes group.

Leading that group is Edward "Pete" Shaw.

Pete is a Pulaski Middle School social studies teacher—and he is the man behind these three national cochampionships.

Several years ago Pete Shaw began teaching chess to some youngsters in his school.

They began winning tournaments—and chess in Pulaski is now serious business.

It was a community-wide effort that sent these teams to the tournaments.

Thousands of dollars were raised by chess team members and the Chess Parents Organization through candy and baked good sales, sock hops, and donations from the school board and the county board of supervisors.

Volunteers like Pete Shaw, Roger Asbury, Sheila Spangler, Monty Quesenberry, Rachel DeHaven, Nancy McDaniels, and Carl and Mary Sue Newsome banded together to coach and chaperone the young people on their victory quests.

Mary Sue Newsome calls them "cut-above-average kids."

And I think they are.

The hallmark of this program is that it contributes encouragement and well-being not only to the participants, but to a larger audience as well.

You see, many of these youngsters use their school lunch hours to teach chess rudiments to other youngsters—some of whom have learning disabilities.

They carry a banner of pride and achievement from Pulaski to a lot of places.

That banner and the names of the chess team members I am proud to now share with my fellow Senators:

Sixth grade team members: Noah Spaulding, Jeff Shelton, Brooks, Newsome, Scott Spangler, Andy McDaniel, Jackie Bruce, Kenneth Sutphin, Brian Weatherington, Scott Altizer, Eric Vaughan, and Nathan Thomas.

Seventh and Eighth grade team members: Scott Aust, Curtis King, Brian Lambert, Randy Quesenberry, Ray Tuck, Will Vyars, Stan Vuicich, Mary Katherine Graham, C.W. Hickam III, Eric Anderson, and Richard Mabry.

Ninth grade team members: Tracy Callis, Chris Bushong, David DeHaven, David Clemson, and Tommy Webb.

Mr. President, I do not note the presence of other Senators desiring to speak. Accordingly, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Assistant Secretary of the Senate proceeded to call the roll.

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

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

Mr. GOLDWATER. Mr. President, are we still in morning hour?

The PRESIDING OFFICER. Yes.

THE HOOVER DAM

Mr. GOLDWATER. Mr. President, just a short comment relative to a problem that is constantly brought up when we are discussing the measure involving the Hoover Dam, which is before the Senate at this time, authorization for hydroelectric plants, on which cloture has been invoked.

The price per kilowatthour is 3 mills. I will admit that that is a very, very low price. I will also admit that it was engaged in about 50 years ago.

However, the thing I want to point out—and I think this applies to all Federal projects, wherever they might be—is that that price was arrived at as a price that would pay the maintenance, the interest, and the repayment on the Federal money that has been invested. That has been done. It has been accomplished. Only about 3 years remain for the whole cost of Hoover Dam to be paid back to the Federal Government, at which time there will be another piece of property that the people of the United States own.

The argument is made that maybe the price should be higher, and the man who makes the argument follows it by saying that he does not know what the price should be. I have to be honest and say that I do not know, either. But the 3 mills has worked, as has the charge for power around this country from other projects.

The problem to the consumer is not what we pay for power at the generating site. The problem to the consumer comes in the multiplicity of costs that go on between the generator and the consumer: the terrific costs of transmission lines, distribution systems, tying into what we call a grid system, which is dominant in the West, where some parts of the West use power from far off places in the West.

So, while 3 mills is a very low figure, it has done the job. It has paid off the Hoover Dam costs. While you could make a pretty good argument for raising the price, the question does arise: Are we going to use power, whether it is public power or private power, to help pay off the deficit, when the construction of Hoover Dam has nothing to do with our present deficit problems?

I merely wanted to make those comments, Mr. President, to get the air a little more clear.

I yield the floor.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, what is the time limitation on Senators for speaking?

The PRESIDING OFFICER. When we finish the special orders, then the time limit will be 5 minutes each.

Mr. BYRD. Mr. President, I ask unanimous consent that I may retrieve such time as I may require from the time that I had under the standing order.

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

LEBANON—5 MONTHS LATER

Mr. BYRD. Mr. President, the last U.S. Marine contingent was pulled out of Lebanon yesterday by the President. If we consider the time, however, which marines spent in and around the Beirut International Airport as part of a multinational peacekeeping force, we would find that the Marines spent a total of 533 days.

Last October 23, the Nation was stunned and saddened when 241 U.S. servicemen were killed in a terrorist bombing attack on the Marine compound at Beirut Airport.

The termination of U.S. participation in the Multinational Peacekeeping Force came when the final Marine contingent located at Beirut International Airport was withdrawn on February 26, 1984. For weeks prior to, and after the withdrawal, the administration waged a public campaign blaming Congress for the failure of U.S. policy in Lebanon.

The President did at one juncture say that he accepted the full responsibility for the tragedy which occurred when the compound was destroyed by a terrorist bomb. But he has since backed away from acceptance of that responsibility. Throughout the subsequent months, a variety of administration officials have charged that the mere fact that Congress raised questions about our misguided policy was detrimental to the ability of the President to conduct foreign policy. Congress was accused of playing into the hands of Syria which was acting as nothing more than a Soviet surrogate in the Middle East. On February 4, 1984, the President even declared that Syria was "bent on territorial conquest" in Lebanon.

Yet, just last week a high administration official testified before a committee of Congress that, far from being an obstacle to peace in Lebanon, Syria was indeed being very helpful.

Mr. Richard Murphy, Assistant Secretary of State, testified before a House Foreign Affairs Subcommittee that Syria was demonstrating an "active willingness to move in restoring stability in Lebanon."

And far from seeking territorial conquest in Lebanon as the President had charged as recently as February 4 of this year, Mr. Murphy stated that "conditions could come about" that would cause Damascus to withdraw its military forces from Lebanon. The conditions to which Mr. Murphy referred involved an Israeli withdrawal from southern Lebanon.

When Mr. Murphy was challenged by House Foreign Affairs Subcommittee members, Republican and Democrat alike, as to how the administration's perception of Syria could change so dramatically in such a short period of time, Mr. Murphy responded: "Times change."

Mr. President, I am not sure that times have changed. I rather believe that it is not the times which have changed. What appears to have changed is the administration itself. It now appears that the administration understands some things about Lebanon it should have known, before so much of the prestige and blood of this Nation were committed to a doomed military policy.

When the Marines were redeployed around Beirut following the tragic massacre of Palestinians in the Sabra and Shatila refugee camps. The President assured the Nation that the deployment would be for a limited period of time only. The President emphasized that the marines were being dispatched to Lebanon as part of a multinational peacekeeping force "with the mission of enabling the Lebanese Government to restore full sovereignty over its capital, the essential precondition for extending its control over the entire country."

However, due to its own misperceptions and miscalculations, the administration found itself in trouble very quickly. The misguided perception that Lebanon was part of the East-West conflict led the administration to abandon the posture of U.S. forces as being a neutral, peacekeeping force. Instead, as civil turmoil erupted, the administration identified itself more and more closely with the government of President Amin Gemayel whose support among the majority Moslem population was nearly nonexistent. In effect, the United States became a surrogate for a government which, for all intents and purposes, did not exist beyond the boundaries of East Beirut.

By concentrating first on building up the Lebanese Army, rather than fostering Lebanese national reconciliation, the administration missed an opportunity to pressure the Gemayel Government to settle its differences with the opposition. In the end, this opposition turned to Syria for help.

The administration, by focusing so much energy and attention on the Soviet Union and Syria, overlooked completely what was happening domestically within Lebanon itself. And on September 19, 1983, whatever semblance of neutrality our presence had assumed was lost when U.S. forces intervened directly on the side of the Lebanese Army during the battle against Druse militia for the strategic hillside town of Suk Al Gharb. We had become a participant in a civil war, something the administration has never admitted.

It is not too difficult to imagine that the success of the Grenada invasion may have had its influence on the administration to turn Lebanon into a test of military strength and will as well. But Lebanon was never a test of will between the United States and the Soviet Union as we came to discover so painfully. The administration allowed itself to be swept into the quagmire of age-old rivalries—a situation exploited by Syria, the traditional wielder of outside influence in that unfortunate country.

Today, Syria has installed a government of national unity in Beirut. The green line, which has separated east and west Beirut for almost a decade, is now being dismantled. And although the Lebanese Army does not exercise control over the countryside, the Syrians have demonstrated that they are willing to come down hard on militias that would undermine the new government. While Lebanon has not evolved into a nation allied with the West as the administration has envisaged, the alignment of its national policies goes only as far east as Syria, not the Soviet Union.

The present outcome might not be to the liking of the United States, but it is a far cry from the establishment of a Soviet satellite on Israel's northern border. As is the case of most events in the Middle East, Lebanon's future will not be determined by the Soviet Union, but by a resolution of the Arab-Israeli conflict. Even then Lebanon's future stability will be contingent upon a true reconciliation of the communal groups within that country.

Now we have come full circle. The administration concedes that Syria is playing a constructive role in Lebanon. Administration officials are now confident enough to predict publicly that Syrian forces, rather than conquering Lebanon, could withdraw if the right conditions materialized. In other words, far from being public enemy number two behind the Soviet Union, the administration appears to be rehabilitating Syria's image in the United States.

Maybe this change in view stems from the fact that the administration has learned something about the Middle East and the politics of Lebanon. Unfortunately, for the families of 264 Americans killed in Lebanon, the price tag for that learning curve has been very high. Unfortunately, the United States had to suffer the worst international humiliation since the Iranian hostage crisis because the administration thought the very presence of the *New Jersey* off the coast of Lebanon would somehow scare the adversaries of the Gemayel government into submission. It is a little unsettling to wonder who in this administration is contemplating where the next Lebanon will be. Could it be in Central America?

I ask unanimous consent that the article about Mr. Murphy's testimony which appeared in the July 26, 1984, Washington Post be printed in the RECORD.

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

[From the Washington Post, July 26, 1984]

SYRIA CALLED "HELPFUL" TO LEBANON—SUBCOMMITTEE CRITICS CALL OFFICIAL'S TESTIMONY "INAPPROPRIATE"

(By Don Oberdorfer)

Five months after withdrawal of U.S. Marines from Lebanon, a senior State Department official testified yesterday that the Lebanese government is successfully consolidating its position with the assistance of a "helpful" Syria.

The testimony of Assistant Secretary of State Richard W. Murphy drew expressions of surprise and indignation from members of a House Foreign Affairs subcommittee who recalled administration charges a few months ago that Syria was "the stumbling block" in Lebanon and was partly responsible for the deaths of 241 U.S. servicemen in a Beirut terrorist bombing last Oct. 23.

Rep. Robert G. Torricelli (D-N.J.) said Murphy's description of Syria's helpfulness was "inappropriate" and "unfortunate" in view of Syria's role in the deaths of the U.S. troops.

Rep. Edwin V. W. Zschau (R-Calif.) expressed surprise at Murphy's statement, and Rep. Lawrence J. Smith (D-Fla.) sharply questioned it.

Asked how he can square the "helpful" label with harsh earlier references about the Damascus government, Murphy responded, "Times change."

Once the Syrians were able to force abrogation of the U.S.-sponsored Israeli-Lebanese agreement following reorientation of the Lebanese government, Murphy said, they have showed "active willingness to move in restoring stability in Lebanon."

Syrian President Hafez Assad halted a three-day shoot-out between rival Lebanese militias in the northern Syrian district of Khoura earlier this month by dispatching his personal military aid to the area and calling warring leaders to Damascus.

Reports from Lebanon suggested that Assad has decided to use his considerable sway over the Lebanese body politic to prevent renewal of large-scale fighting.

Murphy, a former U.S. ambassador to Syria, speculated that "conditions could come about" that would cause Damascus to withdraw its military forces from Lebanon

after Israel withdraws its troops. Among ideas discussed, said Murphy, is a Syrian withdrawal as early as 24 to 48 hours after total Israeli withdrawal.

Murphy, who heads the department's Bureau of Near Eastern and South Asian Affairs, described Syria's shift as resulting primarily from changed circumstances. Syria earlier "got stuck" in Lebanon and now may feel that a withdrawal of its forces from that country is in its national interest, he said.

Murphy testified that the United States remains concerned about Soviet ties to Syria, especially in the supply of military equipment. But the tone and substance of his testimony was a far cry from some earlier declarations, such as that by President Reagan Feb. 3 that "Syria is bent on territorial conquest" in Lebanon.

Reagan also said, on March 13, that "Syria is trying to lead a radical effort to dominate the region through terrorism and intimidation aimed, in particular, at America's friends."

Officials said there has not been fundamental improvement in U.S.-Syrian relations since Syria released captured Navy Lt. Robert O. Goodman Jr., who was downed in a U.S. bombing raid on Syrian military positions in Lebanon.

Within a few days, Reagan is expected to nominate as new U.S. ambassador to Syria William L. Eagleton Jr., currently chief of the U.S. interests section in Iraq.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for not to exceed 15 minutes.

STAR WARS IS INDEED HIGHLY VULNERABLE TO A SOVIET NUCLEAR STRIKE

Mr. PROXMIRE. Mr. President, this is the sixth in the series of seven responses I am making on the floor of the Senate to the arguments General Daniel Graham has made in a letter to me with respect to the administration's "Star Wars" Program. General Graham supports this antimissile program. I oppose it. In supporting this so-called strategic defense initiative General Graham has stated criticisms of the program and his response to the criticism. The sixth criticism the general answers is: "It is vulnerable; the Soviets could counter it easily and cheaply." I ask unanimous consent that the general's response to this criticism be printed in the RECORD at this point.

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

6. IT IS VULNERABLE

Answer. It has been argued that spaceborne defensive satellites are vulnerable to Soviet countermeasures. This is certainly not true with regard to near-term Soviet capabilities. The Soviet ASAT goes into space on a large missile of the type of High Frontier is designed to counter. Thus it gets no free shots at the satellites.

Another speculated Soviet countermeasure is to put up "simple" space mines to follow the defensive satellites around to be exploded on command. There is no "simple" space mine. In fact, such a vehicle would have to be very precisely inserted into orbit and have super position keeping capability to be effective. In other words, it would be a space vehicle of more sophistication and be more costly than the defensive satellites. Further, such an attempt would be foiled by a random "junking" (slight change of orbit) of the defensive satellite.

Of course, no system can be deployed which is invulnerable to every speculated Soviet technological marvel of a counterweapon. But the "bottom line" is this: Even if the Soviets do someday find a way to attack the defensive system and then launch a missile attack, they will not do so. The requirement first to defeat the satellites 300 miles out in space means that no surprise first strike could be carried out. The attack on the satellites would surely alert the United States.

Mr. PROXMIRE. Well, now, Mr. President, could the Soviets counter such an antimissile system easily and cheaply? The answer is: Yes, indeed. Absolutely and for sure. In previous speeches, I have already alluded to the recognition by the Defense Department's own sponsors of the system, General Abrahamson and Secretary De Lauer, who admit that the Soviets could simply produce more offensive missile warheads at a lower cost than the defensive missiles and swamp the antimissile system by sheer numbers. In fact, former President Nixon, has proposed an astonishing suggestion. He proposes that we enter into an arms control agreement with the Soviets to restrain their construction of additional missiles. How would we persuade the Soviets to give up their massive deterrence that has earned them a nuclear superpower status? We would do this by giving the Soviet Union our expensively developed "Star Wars" technology in return for their agreement to stop their production and deployment of offensive missiles. General Graham does not propose this quid pro quo because he does not acknowledge what President Nixon fully understands. President Nixon understands that it is a certain fact of life, that without an arms control limit on offensive missiles "Star Wars" cannot and will not work.

Now think about this one. Why would anyone believe that the Defense Department would talk the President of the United States into this most expensive weapons system in world history. If the system cannot work without an arms control agreement with the Soviet Union, why? Because if any Member of Congress spent 5 minutes thinking about the practicality of the "Star Wars" program, he would surely recognize the total vulnerability "Star Wars" would have to a massive build up in the adversary's offensive missiles.

This Senator recalls that the Anti-Ballistic Missile Treaty debate of 1972, when I was in this body, convinced 88 Senators that defensive missiles would be vulnerable—that is, the antimissile system, the "Star Wars" system would be vulnerable—to the offense because the offense could, on the cheap and at will, swamp any ABM by simply building whatever number of missiles it would take to cut through the defense. How many Senators disagreed with that view? Exactly two.

How has the situation changed in the past 12 years? Are there any new technological breakthroughs involved that has magically changed the vulnerability of an anti-missile system? Of course not. Oh, sure, the defensive technology has moved ahead and will continue to move ahead. But does anyone argue that an offensive missile technology could not easily keep pace with the anti-missile system and maintain its advantage?

The antimissile forces are falling for the same discredited theory that persuaded the French to build the Maginot Line of pill boxes at immense expense before World War II. That so-called impregnable defense was designed to stop the German offensives that had twice overrun France in the previous 70 years. The Maginot Line, like "Star Wars," came on ballyhooed as the supreme, perfect defense. But what happened to it? The offense asserted its usual superiority in warfare. Fast moving German tanks and other motorized armor concentrated on specific breakthrough points and breezed through the Maginot Line in a very few weeks.

General Graham argues that any offensive system would first have "to defeat the satellites 300 miles out in space. The attack on satellites would certainly alert the United States." Apparently the General thinks that the "Star Wars" defense would delay by a matter of hours or days the effect of an overwhelming and concentrated attack by Soviet offensive missiles. Why would it? Of couse some offensive missiles might be shot down. But recognizing the potential capability of the "Star Wars" defense, the Soviets would simply have to launch an attack of whatever size it would take to do the job. There would be no delay. What kind of an alert would that leave for our country?

THE UKRAINIAN FAMINE AND THE NEED TO RATIFY THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, Mr. MOYNIHAN and Mr. D'AMATO recently introduced a measure to express the sense of the Senate that the United States should take actions to commemorate the Ukrainian famine of 1933. Their measure, Senate Concurrent Resolution 101, seeks to increase public awareness of this tragedy,

which cost millions and millions of lives due to the deliberate starvation policies of the Soviet Union.

The Ukrainian famine claimed an estimated 5 million to 7 million victims, a loss comparable in magnitude to the loss of Jewish lives under Hitler. While Hitler aimed to purify the Aryan race by eliminating Jews and Gypsies, Stalin wanted to crush the Ukraine as a political and social entity. He was able to portray the Ukrainian community as an enemy of the Soviet Union and Ukrainian nationalism as a dangerous threat to his power.

Stalin used the collectivization of agriculture to destroy Ukrainian nationalism. By imposing high grain production quotas for Ukrainian villages, far out of proportion to their production capabilities, he could increase the government's grain storehouses while oppressing Ukrainian peasants.

This policy resulted in catastrophe for the Ukraine. Individuals and whole villages that did not comply with the policy were subject to severe punishments, including confiscation of property, complete blockades of other supplies, internment in concentration camps, and even execution. But those who did comply were faced with complete starvation.

Survivors of the winter of 1932-33 tell of whole villages wiped out, mass burials in pits, and flocks of peasants trying in vain to escape.

Mr. President, the U.S. Government and the world community must never again stand for this kind of barbarism. While the Soviet Union's Ukrainian policy may not be genocide, it is still a grave violation of human rights. But the United States cannot effectively condemn human rights violations, in the Soviet Union or elsewhere, because it has not ratified the Genocide Treaty.

Ninety-two other nations have recognized the need for the Genocide Treaty, which makes genocide a crime punishable under international law. Ratification of the treaty would confirm the U.S. commitment to human rights, dignity, and freedom and show this Nation's opposition to policies such as those of Stalin in 1932 or those of Hitler during World War II.

I call on my colleagues to ratify the Genocide Treaty.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to extend beyond 12 noon, in which Senators may speak for not more than 5 minutes each.

LITHUANIA'S PROUD PEOPLE

Mr. PERCY. Mr. President, the people of Lithuania have maintained their unique culture and heritage despite more than 40 years of Soviet occupation. In the July 22 edition of the Washington Post, correspondent Dusko Doder shares his impressions from a recent visit to Lithuania.

In his "Letter from Lithuania," Mr. Doder praises the "traditional industriousness and culture" of the Lithuanian people. He describes Lithuania as a country with "a special style" and a "distinct identify of its own." Doder notes that Lithuania's two principal cities, Vilnius and Kaunas, "have resisted plans that have turned most other Soviet cities into featureless urban centers."

The unique quality of Lithuania which so greatly impressed Mr. Doder is a tribute to the wealth of Lithuanian culture and to the resiliency of the Lithuanian people in preserving their heritage and values. I ask unanimous consent that the article by Dusko Doder be printed in the RECORD at this point.

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

[From the Washington Post, July 22, 1984]

ROOTS GO DEEP IN PROSPERING BALTIC TOWNS

(By Dusko Doder)

VILNIUS, U.S.S.R.—In the predominantly flat and monotonous Soviet landscape, private plots present an enchanting sight. They erupt in flowers around homes in villages and around millions of dachas, or country homes, that ring Soviet cities and towns.

Besides flowers there are tomatoes, cucumbers and squash, radishes, carrots and onions, all nursed with loving care on tiny patches of land whose every square inch is planted, leaving virtually no room for recreation.

That the private plots in Soviet Lithuania appear particularly rich and flourishing may be explained in part by the traditional industriousness and culture of its people.

Lithuania clings to a special style that bears traces of the hundreds of years during which Poland, Sweden and Germany were the dominant influences here. It came under the czar's authority in 1795 (the other two Baltic states, Latvia and Estonia, fell to the Russians in 1710). With the exception of the years 1919-40, when all three were independent countries, the area has belonged to Russia ever since.

While the preeminence of Russia seems all but immutable, Lithuania has retained a distinct identity of its own, acknowledged by Russian visitors here who say that traveling to the Baltic is like going "west."

The Soviet authorities, presumably to head off potentially dangerous nationalist sentiments, have for some years allowed small nations on the rim of the Russian heartland a greater degree of economic autonomy. Predominantly agricultural Lithuania has taken advantage of this, pushing its individual incomes and living standards far ahead of those of the average Russian. (Lithuania and Georgia, a small republic in the Caucasus, have the highest rate of private car ownership in the Soviet Union.)

But perhaps the main reason for an abundance of food and prosperity in Lithuania is the shift in Moscow's agricultural policies during the past two years.

After a series of disastrous harvests and ensuing food shortages throughout the country, the Soviet authorities have encouraged private food production.

Part of this policy involves incentives to attract young people to the countryside because the aging rural population and the desperately low birthrate (except in the Moslem republics) have produced a dangerous demographic situation.

But the main thrust of Moscow's modest liberalization is to muster all resources in combating repeated agricultural setbacks and avoiding food shortages.

The process seems far advanced in Lithuania, although financial incentives to farm dwellers and encouragement of private plots is spreading throughout the Soviet Union.

It's hard to say how typical the family of Hendrikus Liskinksis is, but he seems to be a part of the emerging prosperous peasantry here. He says his family's monthly income is about $630. Half of this comes from his salary as a mechanic at the Rity Ausra collective farm, and the rest from his wife's salary from an office job in a nearby town, to which she commutes in the family car, and from his private plot.

The Liskinksis bought their own pleasant detached house on the collective farm. It has three bedrooms, a refrigerator and two television sets, one a color set. A sizable plot of land around the house produces enough vegetables and flowers to meet their needs and to sell in the free markets of the bigger cities. Liskinksis claims to have substantial savings so that even a holiday they are planning on a Soviet cruise ship in the Pacific would not make a significant dent.

That private plots of land like Liskinksis' make an important contribution to the country's food supply can be seen from official statistics. A senior state planning official said that in 1983, the 3 percent of farmland held privately produced 31 percent of the total Lithuanian crop.

He also disclosed that last year, for the first time since the end of World War II, the move of rural population to the towns and cities had been halted and even reversed. In an effort to encourage people to move from the cities to the villages, the Lithuanian authorities have set the average urban wage at about $214 a month and the average farm wage at $315 a month.

But the authorities are also using other forms of incentives. Perhaps the most important are loans extended to purchase houses and administrative shortcuts to obtain private automobiles. Many people in the Soviet Union have the $10,000 they need to buy a car, but they normally have to wait six years to get one. The Lithuanians have found a way for farmers to get a car within a year.

The announced visit by a group of foreign journalists to the Liskinksis' home and the homes of other farmers recently was preceded by a drive through several rural communities, where the inhabitants have what appears to be a new life style, driving small Zhiguli cars and living in detached homes that are better designed and more cheerful than those in similar settlements in Russia.

Government officials pointed out that the state supports private farmers by providing a substantial part of the investment that goes into the private plot. It includes veterinary care, fodder, fertilizer, free water and tractors when needed.

Yet the plots are small, between 600 and 1,000 square yards on the average.

The collective farms such as Rity Ausra are reported to be profitable and spending their profit on the construction of saunas, bars, game rooms and cultural facilities.

The chairman of Rity Ausra said that last year his collective farm had a $2.1 million profit on a turnover of $56.7 million. The farm's shops seemed well stocked with goods, offering a range of shoes, textiles and liquor comparable to Moscow's best shops.

The emphasis on financial and material incentives was one of the main features of the late Yuri Andropov's economic program. It is as yet unclear to what extent his successor is committed to the new world of incentives. Judging by Lithuania's experience, the agricultural liberalization is continuing.

But the Lithuanians seem to have demonstrated even to a casual visitor that their national pride is strong and that they intend to maintain their unique style.

Vilnius and Kaunas, the two principal cities, have resisted plans that have turned most other Soviet cities into featureless urban centers. Even the building of the Lithuanian Central Committee is a gracefully designed structure of concrete and glass that could fit neatly into a city like Washington.

But their effort to preserve their heritage seems to have focused on the restoration of the old Vilnius, its 400-year-old university, its Roman Catholic churches and its small shops, including small coffee houses and restaurants with secluded corners.

The 3.5 million Lithuanians are maintaining their linguistic identity. Since about 80 percent of the people are ethnic Lithuanians, national culture seems resilient. Surprisingly few people are fluent in Russian.

In the cities, street and shop signs are written in both Lithuanian and Russian and traders deal easily in both languages. Villagers, however, use little Russian. Indeed, Russian settlers here tend to speak Lithuanian fluently.

BEN WICKS

Mr. PRESSLER. Mr. President, today I would like to recognize a most remarkable South Dakotan, Mr. Ben Wicks. Ben is a 15-year-old boy from Rapid City, SD who suffers from a genetic disorder of the nervous system called neurofibromatosis. Ben recently was in Washington to attend the "Very Special Arts Festival." As a music composer, Ben has written many songs and often performs for his friends and classmates. Mr. President, I ask that the following article from the Rapid City Journal be printed at this point in the RECORD.

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

YOUTH TO REPRESENT STATE AT FESTIVAL

(By Marguerite Welsbeck)

The yellow T-shirt said "Contents, human. Handle with love." Above it, a broad smile, twinkling dark eyes and a shock of glossy dark hair held a listener's attention as Ben Wicks, 15, talked about the trip to Washington, D.C. he is planning.

On May 24, Ben will represent South Dakota at a national arts festival with the songs he has written. If he is lucky, he will hear singer Ronny Milsap perform one of his songs. and he will sing for the other youngsters gathered for the National Very Special Arts Festival.

"I have no idea yet what I'll sing. Ben said recently. "I wrote one song, lyrics and music, but that one is personal for now. I wrote lyrics to the theme of Young and Restless. We sent five or six songs in on a tape."

As he talked, Ben blew the smooth dark hair from his eyes. He can't brush it back any more. He's paralyzed.

It started nearly three years ago, with occasional stumbling and falling. Exploratory surgery discovered tumors growing on Ben's spine. They couldn't be removed. They were malignant.

Ben went back to school at West Junior High School, but found it impossible, finally, to manage a crutch and an armload of books. By Christmas, he was on the Homebound program. By the time school was out, he was in a wheelchair.

There aren't many choices for a family with a child who needs as much care as Ben needed then. "We didn't want him in a nursing home, watching old people die," said his father, Mike Wicks. Through Carolyn Graff at the Pennington County Health Department, the family heard about the Crippled Childrens' Hospital and School in Sioux Falls. Visits with Lee Pfeiffer, who conducts clinics in Rapid City for the school, convinced them. "By then she knew our family history, and we had no trouble getting him in," Wicks said.

The family history is neurofibromatosis, a genetic disorder of the nervous system. Tumors can grow anywhere on the nerves—under the skin, on the spine, on the brain. Bones involved may enlarge and become deformed, or curvature of the spine may result. Extreme cases, like the Elephant Man, result in deformities. Only three to five percent of the tumors are malignant like Ben's.

Mike Wicks' father died young of "a probable brain tumor." Mike found out he had the disorder when he was 20. Surgery to remove tumors on his brain led to the paralysis of half his face and loss of hearing in one ear. He has lost an aunt and uncle and an older sister and brother to the disorder.

"Before my dad, there was no record of it in the family. It's just in the last few years they found this was hereditary. There's a 50-50 chance you can get it (if your parents have it). When mine was diagnosed, the doctor told me to go home and try to live a normal life, don't think about it. So I married and had kids. One has it, the other is OK so far," Wicks said.

It's a sad story. But if Ben is sad over the events that have changed his life, he hides it well. He refers to himself as "out of order," not crippled, or handicapped. He talks about his problems knowledgeably, and his stories of life at the Cripple Childrens' Hospital and School ("We call it Crips for short.") are full of friends and humor.

"We live in dormitories. On the floor I'm on, there are eight rooms, four for girls and four for boys, with four kids in each room. Boys are not supposed to be in the girls' rooms after 10 at night. I found out the hard way," he grinned.

"I'm in eighth or ninth grade. You get placed in classes as you progress, so I spend part time in each," Ben said "We have physical therapy and occupational therapy. Most kids go at least three times a week to each. Swimming classes help me relax, and PT keeps my arms from contracting anymore."

At school, his electric wheelchair affords him more mobility than the manual chair he uses on visits home, even allowing him to play a modified form of football. "You go out for a pass, and when the ball hits the wheelchair, you keep moving until someone touches you. To make a tackle, I run into a person's chair with my pedals," Ben said.

Kids can stay at CCH&S until they turn 21. But Ben doesn't talk about the future much beyond the trip to Washington, D.C. He joined a church recently. He grows a little pensive when his father mentions it.

There isn't any cure for neurofibromatosis. There isn't any way to stop the growth of the tumors. "The only feeling I have left is in my face." Ben said, "At Christmastime, I burned my arm holding a bowl of popcorn. I can only feel pressure." He has enough control of one hand to guide his wheelchair. Earlier, he tried to learn to play the trumpet, but it took more strength to push the buttons than his hand could muster. The school provided him with a harmonica held up on a shoulder brace, but he never learned to play it. "I got so I could play three verses of 'Three Blind Mice,'" he said, flashing the grin that animates and lights his face.

With the encouragement of music therapist Cherie Ortman, Ben began to compose his own songs. "She helps me a little with the words and music." Ben explained, "She picks out chords on the guitar. She'd strum, and I'd pick a chord. She writes it down. Then we put it all together."

The songs were good enough to earn Ben the trip to Washington, D.C., the breakfast on Capitol Hill with congressmen and senators, the lunch on the White House lawn, the performances at the Kennedy Center and workshops with the stars.

His dark eyes sparkle when he talks of it, but, like any teenager, he tries to play it cool. With the small but eloquent shrug he can still manage, Ben said, "The music is OK. It's just something I do in my spare time, when I'm not chasing girls."

EMIGRATION OF SOVIET JEWS

Mr. PERCY. Mr. President, the number of Jewish emigrants leaving the Soviet Union fell to 72 during June. That was 37 fewer than the 109 who left in May, and the 74 who left in April, 51 in March, 90 in February, and 88 in January. For the first half of 1984, therefore, the total number of Jewish emigrants is 484 as compared with the 1,315 who left the Soviet Union in all of 1983.

These numbers are horrible. They are outrageous. They fly in the face of every promise made by the Soviet Union to abide by international agreements respecting human rights and the rights of family reunification. They must be improved. If they were improved, say to 10,000 per year, certainly one area of tension between the United States and the Soviet Union would be reduced. It is in their interest to reduce tensions, and it is in our interest as well.

I encourage the U.S. Government, Members of both Houses of Congress, members of the European Parliaments and the Parliaments of the world, and the many groups which work on behalf of the rights of Soviet Jews in-

cluding Chicago Action for Soviet Jewry and the Chicago Conference on Soviet Jewry, to keep on working and to keep attention on this issue. Constant attention to this issue, and the continual raising of this issue in meetings with Soviet officials, demonstrates our commitment to an improvement of the situation for Soviet Jews and other minorities there who are denied their basic rights.

I am pleased to announce that the Senate Foreign Relations Committee today unanimously passed a resolution, House Joint Resolution 279, which expresses the great concern of Congress regarding the reduction of emigration from the Soviet Union. The resolution calls on the President to urge Soviet compliance with the Helsinki accords and the United Nations' Declaration of Human Rights at the General Assembly of the U.N. and at all other appropriate international meetings.

LIBRARIES AND THE LEARNING SOCIETY

Mr. PERCY. Mr. President, I have always been a strong supporter of libraries as an essential part of our American educational system. Our Nation is fortunate in having a large and impressive library system serving all of our citizens. One of the most important areas of focus for scholarly endeavor is the research library.

I was pleased to hear that the university from which I graduated, the University of Chicago, hosted a special program on academic libraries sponsored by the Office of Educational Research and Improvement, U.S. Education Department. This program was part of a series of seminars "Libraries and the Learning Society" focusing on what libraries can do to carry out the recommendations in the National Commission on Excellence in Education's report "A Nation at Risk" to improve American education. The Joseph Regenstein Library at the University of Chicago has long been recognized as one of the outstanding research libraries in the country. I was pleased to see it was selected to host this important conference.

The keynote address for this conference was given by the assistant secretary for Educational Research and Improvement, Dr. Donald J. Senese, who is a native of Chicago. The seminar was funded through the Center for Libraries and Education Improvement, a component of the Office of Educational Research and Improvement. Dr. Senese focused on some of the outstanding research projects funded in Illinois but noted some specifically at the University of Chicago. He also provided some perceptive comments on the role research libraries can play in assisting our educational resources. I ask unanimous consent to enter into the CONGRESSIONAL RECORD at this time, a copy of Dr. Senese's speech entitled "Academic Libraries and the Learning Society."

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

ACADEMIC LIBRARIES AND THE LEARNING SOCIETY

(By Dr. Donald J. Senese)

Good evening.

I extend greetings to you from Secretary T. H. Bell and on behalf of the Office of Educational Research and Improvement. It is a pleasure to welcome you to the academic library seminar for the "Libraries and the Learning Society" project. A busy and challenging agenda faces you, both this evening and tomorrow, so I will keep my remarks brief.

The time for this seminar is taken from *A Nation at Risk: The Imperative for Educational Reform*, the report of the National Commission on Excellence in Education. This report came out like a firebell in the night—awakening our generation to a sudden and real danger. We are schooling many but really educating a few. In a world of ever-accelerating competition and change in the condition of the workplace, of new and greater challenges on the frontiers of knowledge, and in a very obvious transition from an "Industrial Age" to our "Information Society," we must muster our resources and focus on the goal of creating a Learning Society. Libraries have a fundamental role to play in this process, since libraries and education are so tightly interwoven as to be inseparable.

It is both a personal and professional pleasure for me to be here in Chicago at this particular seminar. On the personal side, Chicago is my home town—I was born and raised not too far from here. On the professional side, I did my undergraduate work at Loyola University, one of several distinguished universities and colleges in the Chicago area. And, needless to say, I count myself as fortunate to have had access to the rich holdings of all the Chicago area libraries—academic, public, independent research and museum libraries—which contributed to the quality and excellence of my undergraduate and graduate work. So I am not a stranger to good libraries and library services as well as capable, helpful librarians.

It is also with great pleasure that I note that many substantive library projects have been (and are now being) operated at some of the great libraries here in the Chicago area under one of the Department of Education's programs—namely, the "Strengthening Research Library Resources Program" authorized under Title II-C of the Higher Education Act. These beneficial and useful projects include the following:

A notable preservation project conducted at the famous Chicago Art Institute at a cost of $163,000, included the restoration, photo-duplication, and microfilming of Daniel Burnham's *Plan of Chicago*. Burnham's collection is an essential addition to the history and architecture of Chicago. Burnham's work focused on the design and architecture which gives us much historical information on Chicago. An advocate of advance planning, he once said "Make No Little Plans", a view which could be said to represent the spirit of Chicago and Chicagoans.

Another important preservation project has been at the Newberry Library in 1981 at a cost of $131,000, which preserved and replaced rare and unique holdings in British History and local and family history;

A significant African Studies project took place at Northwestern University in 1983 at a cost of $250,000 involving both collection development and bibliographic control; and

There have been several bibliographic projects at the Center for Research Libraries—the Nation's "Library for Libraries"—since 1981 at a cost to date of over $650,000 to provide access for scholars and researchers to thousands of previously inaccessible resources. The Center for Research Libraries is located adjacent to the University of Chicago providing easy access for the University of Chicago community.

But by far our largest measure of support has been to our host institution, the University of Chicago, where almost three-quarters of a million dollars has been provided to assist in variety of bibliographic control, preservation, and collection development projects to strengthen their capability to provide access to, and utilization of, many of their singularly rich and unique resources. Perhaps foremost among these was their effort, from 1979 through 1982, to add thousands of bibliographic entries to the national data bases for their specialized holdings in South Asian studies, and to strengthen their internationally unique collection of Iranian studies resources.

I would also like to mention some of the activities being carried out under the auspices of our Office which relates to the work you are doing. As I indicated, one of our most important programs, the "Strengthening Research Library Resources Program" authorized under Title II-C of the Higher Education Act, has acknowledged the special significance of our Nation's major research libraries in contributing to and improving higher education and research.

The most significant characteristics of the Title II-C program has been its emphasis on resource sharing, so that our nation's richest library holdings, which are in the hands of a relatively few great libraries, can be made readily accessible to the hundreds of other not-so-fortunate colleges and universities desperately in need of the highly specialized, and often unique, holdings of the larger, more affluent institutions. We hope that the work done under this program had led to the development of a true and effective national network of research library resources, so that at any given time, at any given place, and for any given educational need, a complete list or package of specialized resources of high quality can be marshalled quickly to support scholarly endeavor.

I trust that the basic premise of the Title II-C program will enter into your deliberation, since no library—neither Harvard, nor Yale nor the University of Chicago—can stand alone. As John Donne said about humanity—"No Man is an island, entire of itself; every man is a . . . part of the main."

So it is with libraries in particular and higher education in general; we must group, regroup, cooperate, innovate, experiment, share, and strive together steadfastly toward reaching the common goal of improving our Nation's House of Education. By such dedicated effort, we will continue to keep this Nation great and educated. Such determination is a unique and singular characteristic of our Nation: Americans can do anything when they put their minds and backs to it. As President Ronald Reagan mentioned in his State of the Union ad-

dress: "America is too great for small dreams."

I have long believed that a college or university is only as good as its library, and that the quality of its learning aspirations and achievements is in direct proportion to the quality of its librarians, library services and library resources. We may have great teachers in our colleges and universities; we also need great resources. There is a relationship between great teaching and library resources. In my professional judgment, the academic library and its resources are the lifeblood of learning and research. Since our colleges and universities represent the educational and intellectual strength of the Nation, the challenge of *A Nation at Risk* must be a welcome challenge that we willingly embrace. If our best minds cannot solve the educational problems facing the Nation today, then we may ask who can?

There is one major question, we need to address. . . . Now, what can the academic library community do to join in this effort, in its special and unique way? Let me throw out a few random thoughts:

Since the nation's colleges and universities themselves educate and train the future school teachers and school administrators, academic librarians within those institutions can devise ways to assist in improving these training programs by selecting and enriching their collections to support the schools and departments of education;

Since the nation's teacher training institutions are in critical need of additional library resources and the fiscal constraints imposed are difficult to surmount, surely academic librarians can address themselves to efficient and effective ways of sharing resources in order to maximize their usage;

Since the Nation's departments and schools of education are situated in literally hundreds of communities throughout the country, academic librarians can augment the teaching resources of the local classroom teacher through cooperative efforts, and not stand as ivory towers on nearby hills distant and remote from the classroom.

Since the retraining in classroom teachers and school librarians is an ongoing, fundamental activity in any forward-looking school system, the academic librarian can provide expert, effective guidance as to how these retraining efforts can be made more productive;

Since local community and junior colleges constitute one of the largest providers of the first two years of college education for some individuals, who select classroom teaching as a professional career, the academic librarian can promote cooperative activities, to enrich the programs offered by these institutions;

Since many of the great universities of the Nation contain outstanding Colleges of Education (including our host institution), surely these universities and their academic librarians can serve as "lighthouses" and "beacons" to light the path for the smaller, less affluent institutions;

And since all Americans, including academic librarians, have a stake in the nation's educational future, surely their national, regional, and State professional associations can establish conferencing priorities in an effort to design strategies to implement the findings and recommendations of *A Nation at Risk*.

In addition, while *A Nation at Risk* seems to dwell on the sad state of our Nation's secondary schools, you should not lose sight of the dramatic charge of that Report challenging all of us to create the true Learning Society, wherein the educational process (in all forms and at all age levels) takes place both formally and informally. How you, as academic librarians, can take cognizance of that wisdom and assist in weaving a rich educational fabric for our entire society is another of your challenges today and tomorrow.

CONCLUDING REMARKS

This seminar is the second of five seminars being held to hear the views of the library community and others who are deeply involved and concerned with the role of libraries in education and in a true Learning Society. This particular group faces the challenge of identifying the role academic libraries should play within the context of the findings and recommendations of *A Nation at Risk*. According to the Commission on Excellence there is a bell—gloomy and foreboding—tolling over our schoolhouses today. While it is a somber one, it is not a death knell. It is only a warning bell: that we had better get our educational house in order as quickly and effectively and judiciously as possible. I trust that this distinguished assemblage through its deliberations tomorrow, will greatly assist in changing the tone and peal of that bell. Tomorrow should be a day of lively discussion. I look forward to hearing your recommendations.

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

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the hour of 12 noon having arrived, the Senate will stand in recess until 2 p.m.

Thereupon, at 12 noon, the Senate recessed until 2 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ARMSTRONG).

CALL OF THE ROLL

Mr. STEVENS. Mr. President, at the request of the majority leader, I intend to ask for a quorum and have it go live. We have a potential for resolving the problems of the Hoover Dam bill. Therefore, I ask that Senators respond to the live quorum in person.

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 and the following Senators entered the Chamber and answered to their names.

[Quorum No. 10 Leg.]

Abdnor	Ford	Murkowski
Andrews	Goldwater	Nickles
Armstrong	Gorton	Nunn
Bingaman	Grassley	Pressler
Byrd	Hecht	Specter
Cochran	Helms	Stennis
Cohen	Inouye	Stevens
Danforth	Kassebaum	Thurmond
DeConcini	Kennedy	Tower
Denton	Laxalt	Trible
Dodd	Mattingly	Wallop
Dole	McClure	Warner
Domenici	Metzenbaum	Wilson

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of the absent Senators.

The bill clerk resumed the call of the roll.

Mr. STEVENS. Mr. President, I move that the Sergeant at Arms be instructed to request the attendance of absent Senators. 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 of the Senator from Alaska. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Minnesota [Mr. DURENBERGER], the Senator from Pennsylvania [Mr. HEINZ], and the Senator from Texas [Mr. TOWER] are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Oklahoma [Mr. BOREN], the Senator from Colorado [Mr. HART], the Senator from New York [Mr. MOYNIHAN], and the Senator from Tennessee [Mr. SASSER] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 89, nays 4—as follows:

[Rollcall vote No. 206 Leg.]

YEAS—89

Abdnor	Dole	Kasten
Andrews	Domenici	Kennedy
Armstrong	Eagleton	Lautenberg
Baker	East	Laxalt
Baucus	Evans	Leahy
Bentsen	Exon	Levin
Biden	Ford	Long
Bingaman	Garn	Lugar
Boschwitz	Glenn	Mathias
Bradley	Gorton	Matsunaga
Bumpers	Grassley	Mattingly
Burdick	Hatch	McClure
Byrd	Hatfield	Melcher
Chafee	Hawkins	Metzenbaum
Chiles	Hecht	Mitchell
Cochran	Heflin	Murkowski
Cohen	Helms	Nickles
Cranston	Hollings	Nunn
D'Amato	Huddleston	Packwood
Danforth	Humphrey	Pell
DeConcini	Inouye	Percy
Denton	Jepsen	Pressler
Dixon	Johnston	Pryor
Dodd	Kassebaum	Randolph

Riegle	Stafford	Tsongas
Roth	Stennis	Wallop
Rudman	Stevens	Warner
Sarbanes	Symms	Wilson
Simpson	Thurmond	Zorinsky
Specter	Trible	

NAYS—4

Goldwater	Quayle
Proxmire	Weicker

NOT VOTING—7

Boren	Heinz	Tower
Durenberger	Moynihan	
Hart	Sasser	

So the motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

HYDROELECTRIC POWER-PLANTS

(The Senate continued with the consideration of the bill (S. 268).

Mr. METZENBAUM. Mr. President, I am going to speak and I will say this to my colleagues, that I will speak for approximately 10 minutes and I do not intend to discuss at length the substance of this bill but rather the manner in which we conducted ourselves yesterday.

Frankly, Mr. President, I care a great deal about the Senate. I care a great deal about its reputation for full and spirited debate. I care a great deal about its reputation for reason and comity. I care a great deal about its reputation for integrity.

But I was deeply disappointed in how we conducted ourselves yesterday. Let me make it clear. I have no problem with leadership playing legislative hardball. That is its right, and I respect that. I certainly play hardball as much as anyone around here.

But yesterday you just did not roll over HOWARD METZENBAUM. You rolled over a lot of people in this Chamber and future occupants of these chairs by employing tactics that will be used against Senators trying to defend a minority position for years to come on matters far more important than the Hoover Dam.

You filed cloture after only 4 hours of debate. You moved to table an amendment without giving the sponsor the right to explain it. You stretched out a rollcall far beyond normal bounds to head off defeat for your position.

I did not lose yesterday. The real losers are those who cherish the rights of a minority to be heard.

I wish to take a few moments to review what has occurred in the last 4 days.

There is a tradition in this body of permitting full and robust debate. Yet, a cloture motion was filed after only 4 hours of debate on the pending bill. This bill was not even the subject of Senate hearings or markup. I could understand such an extraordinary step if the bill involved Social Security checks, money to keep the Government running, or matters involving our defense or national security. But this bill extends contracts that do not even expire until 1987. Is it so important that we should delay five appropriations bills—Labor-HEW, military construction, agriculture, foreign aid, and transportation? What is the hurry? Why the power play?

The reputation of the Senate rests on the integrity of our decisions as well as the manner in which we conduct ourselves. But, yesterday, our integrity—and our reputation as the world's greatest deliberative body—took repeated body blows. We saw Senators flip-flopping back and forth to change the final results; we saw the leadership cause the clerks to delay their count until it could round up additional votes; we saw the Parliamentarian advise the Chair to rule that the yeas and nays on a motion were in order even though the 18 Senators required to second that motion were not present.

I care about the perception that the Nation and the world has about us. Are we men and women voting our consciences or are we political pawns subject to pressure from within and without this body?

I care about our reputation for legislative craftsmanship, for perfecting the bills before us. But yesterday, the leadership moved to table my first amendment without even giving me an opportunity to explain its contents.

After I offered the amendment, I did not seek time to explain it because other Senators were seeking the floor to debate the bill. Senators BUMPERS, EVANS, GLENN, MCCLURE, and CRANSTON all wanted to be heard.

Suddenly, after their remarks, the acting majority leader moved to table my first amendment—not my 10th, or my 20th, or my 50th—but my first one—without affording me the right to explain it. Would debate of the amendment have changed the outcome? Probably not. But since when do we deny a colleague the opportunity even to be heard?

Mr. President, if these kinds of tactics can be used once, they can be used time and time again in this Chamber. So the leadership on this bill may have a certain sense of satisfaction in having succeeded yesterday, but it is a satisfaction that comes at a high price for many of the values and traditions we profess to cherish.

Beyond the procedural excesses, though there is a more fundamental and disturbing question. The position taken by sponsors of this bill is that we will not change our current policy on hydropricing, nor will we even permit a debate or study of alternatives to it. I want to point out to my colleagues that the sponsors of this bill have inserted language into an appropriation bill for the last 2 years explicitly prohibiting the Government from studying alternatives to cost-based pricing. What kind of responsible position is that? How can you justify denying the appropriate arms of government from exercising the most basic of all policy making functions—the responsibility to examine all alternatives. The implications of that position go far beyond the Hoover Dam. When you say to the Senate and the Government that we will not even examine alternative policies, you are not striking a blow against the Senator from Ohio, you are striking at our own future as a nation. I believe that the government with the foresight to embark on new courses is the government which governs best. If we cannot study alternatives to the status quo, then we are consigning our children to a future shaped by people who insist on living in the past.

So my position did not prevail yesterday. The Senator from Ohio bears no scars from that, but the Senate does bear scars.

That brings me to where we are at this moment. The real purpose of lengthy debate is to air an issue, to attract public attention to what is going on on the floor of the Senate. I think the public now understands what this bill is all about. I think the public understands that this bill sets us on a course which could cost the Treasury $6 billion over the next 10 years, and countless tens of billions more over the long term.

I am now faced with the question of whether to continue to use all the legitimate tools available to me to extend this debate. It is obvious that I could call up the amendments pending at the desk; I am entitled to approximately 3 more hours of time; I could appeal rulings of the Chair, put in quorum calls, move to recess, and otherwise drag out the issue for hours and maybe even days. But in this instance I think I have made my point.

Further, it is obvious that the leadership is determined to bludgeon this bill through, whatever the impact on other bills, including the five pending appropriation bills.

Accordingly, I have no intention of tying the Senate up further on this matter, precisely because I do care about the integrity of our process and the image we present to the American people. I intend to vote against this bill, and each of my colleagues will understandably vote in accordance with the dictates of his or her own conscience.

SEVERAL SENATORS addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. EVANS. Mr. President, I would not attempt to respond to the Senator from Ohio in his cry for fairness in following the rules of Senate. In the

short time I have been here I have grown to respect him mightily as a fighter, as one who believes strongly in the causes for which he fights, and as a person probably comes as close to being the conscience of the Senate as any of us.

But I want to speak very briefly on the issue itself on which we will shortly vote. Let us make no mistake on this issue. There is a fundamental question at stake, not just the Hoover Dam, not just electric power production. The fundamental question is very simple: Is the infrastructure of this Nation going to be put up for sale to the highest bidder? Let me repeat: Is the total infrastructure of this Nation going to be put up for sale to the highest bidder?

Those who will vote against this bill according to the concept that market rates ought to be charged just as logically should examine the same concept and theory being supplied to many other elements of this Nation.

The question has been raised: when a long-term lease is at stake, well into the future why not examine it to determine whether a new policy is desirable? I suggest that we do not do it once every 50 years, or once every 30 years; in this Congress we do it every year. We do it many times every year. We do it every day we pass a highway bill, every day we authorize a new waterway project, every day we authorize a new irrigation project, every day we build more infrastructure of this Nation. We do it under one consistent policy which has served us well for a long time: to charge the beneficiaries or the users the capital costs of principal and interest, maintenance and operation costs, but no more.

If this concept of market rates is to be applied, why not apply it broadly? What is the distinction between the Federal Government building a dam, having the ratepayers pay for it entirely, having the capital costs and the interest charges retired, and then suggesting that future prices of electricity ought to be based not on continuing costs but on what the market would bear? Compare that with a private power company having constructed a dam, having completed through ratepayer payments all capital costs and interest costs, and now enjoying the benefits of very low-cost power subject only to operation and maintenance charges. Why not extend this principle and allow those private power companies to charge their consumers what the market price is? In other words, what the market will bear.

We would have close to armed revolt in this country if we asked those consumers, whether public or private, to bear the burden of market-based charges when they have no reasonable alternative to that service.

If we are going to vote against this bill, and in doing so establish a broad new concept for the infrastructure of this Nation, why not then apply it to our Interstate Highway System, put up the bridges for sale, allow tolls to be charged, when the users would have no reasonable alternative other than to pay those tolls and, through the tolls and a share returned to the Federal Government, help to reduce our budget deficit? This may be a fine goal but what is the price?

Who would suggest that we put our water ways and locks of this Nation up for sale? Who would suggest that we put the irrigation projects up for sale so that the users would not pay just what it costs, and in some cases they do not even pay that, but would pay even more, the so-called market price?

Those who come from areas with high electric rates may believe that voting against this act and establishing this new principle of market rates will somehow bring rates down in their parts of the Nation. That is highly unlikely, any more than this Congress is likely to insist that those who have other natural resources benefiting particular States should charge market rates or to somehow share all those benefits with the rest of the Nation.

Some States have the benefit of close geographic affinity to national markets, some have unique natural resources, some have natural gas and oil. But when we get to the point where we put up the total infrastructure of this Nation to the highest bidder we will all be the losers. We risk dividing this Nation when the Federal Government goes into the business of profiting beyond the investment in that infrastructure.

We have consistently acted in this country as neighbors in diversity. We are not joined by uniformity but by choice and the concept of helping each other. Now is the time once again, as we have so often done in the past and I suspect even earlier this year, to reiterate the fundamental policy that as we build for each section of the Nation we are building for the total Nation. The Government does so not expecting to make a profit but with the goal of helping the whole Nation.

I urge my colleagues to join with me in approving S. 268 not just on the basis of Hoover Dam, not just on the particular needs of the Southwest, but in the spirit of once again reiterating this enormously important national policy which has served us so well.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I want to speak briefly on the points made by the Senator from Ohio [Mr. METZENBAUM] and a point made by the Senator from Washington [Mr. EVANS].

First of all, I voted against cloture yesterday because I wanted to have more thoughtful debate on this issue. The whole reason we have cloture in the first place is to cut off the debate. I have the feeling that this afternoon, even when we vote on this issue, a lot of Senators are going to be voting because of a provincial interest in Hoover Dam and some are going to be voting on the other side because they feel it is unfair for one geographical region of the United States to profit at the expense of all people.

But yesterday was one of those unique times when I felt that the debate ought to be continued because I honestly did not understand the issue well enough to vote intelligently, or at least to vote knowing what I was doing.

I want to say to my colleagues that I agree with most everything the Senator from Washington just said, and I am going to vote for the bill not because of anything I heard on the floor but because I devoted 2 to 3 hours last night studying the issue in an effort to make up my mind about what the public policy ought to be in this country when it comes to selling public power.

Therefore, I will not reiterate what the Senator from Washington has just said.

I want to say that I thought the conduct of the Senate yesterday was deplorable, and it convinced me more than ever that the U.S. Senate is not ever going to be a great deliberative body, it is not ever going to fulfill what the American people have a legitimate right to expect of it, until very fundamental institutional changes are made.

Right now, we keep the majority leader's hands tied, I do and you do, by putting holds on bills. That is unfair to the majority leader and it is unfair to the functioning of the Senate. But as long as that institutional right exists, you cannot expect anybody to fail to take advantage of it where he perceives it to be in his own self-interest.

The motion to take up a bill ought not to be a debatable motion. Once a bill is reported by a committee and put on the calendar, it ought to be the legitimate business of the Senate to deal with it, to vote it up or down.

It is not any wonder that we operate on continuing resolutions around here. It is a terrible way to do business. And how many times has every Member of this Senate sat in the galleries with his guests from back home and apologized for the attendance on the floor of the Senate? It is the first shock of every guest in Washington to come to the Senate and normally not find 10 Senators on the floor as there are right now but two Senators plus the Presiding Officer talking to each other.

It is a serious condemnation and reflection on this body that people have

to walk up and look at a condensed, three-sentence description of what they are voting on before they vote.

We all sit in the galleries with our guests and say:

Well, the Senate is a great deliberative body, but what we actually do is we operate on a committee system. The committees hear these things in great detail.

Well, do they? Unless you are marking up a bill and reporting it out, it is virtually impossible to get a quorum for any committee in the Senate. I am not criticizing my colleagues, I am as guilty and as culpable as any Member of this Senate. We all are, because we have an agenda of our own that the rules of the U.S. Senate tolerate, that absolutely prohibit us from being a deliberative body.

Nobody in this body wants to get below 90 or 85 percent attendance for rollcalls. Normally, it is the conventional wisdom here that as you stay above 90 percent, your opponent, the next time you run, cannot make much out of the fact that you only answer the rollcall 90 percent of the time. If you get below 90 percent or 85 percent, then it may become an issue.

So we make our schedules accordingly. We may decide to leave on Friday morning if we are only going to miss two votes. We are likely to cancel something back home if we think we are going to miss five votes. It does not really matter what the votes are; it is the percentage of times you answer the rollcall that matters.

I remember one time going to Iran with a trade delegation of my State when the late Senator from Alabama, Jim Allen, was still here. All of us remember that Jim Allen was the one who perfected the postcloture filibuster.

No, let me put it this way: He invented it. HOWARD METZENBAUM perfected it.

I remember in that 1 week away from this body, I missed 66 votes, the most the Senate had ever voted in history in 1 week. Believe you me, I was a strong attendant after that.

But the point, Mr. President, is that instead of being concerned mainly with the percent of rollcall votes we miss, we should be concerned about how much debate we miss. Debate is what makes this Senate a deliberative body.

So, Mr. President, what I want to say is that there is going to have to be some serious consideration of rules changes in this body. The Senate ought to be here deliberating these bills. There ought to be time limits on these bills and those who have something to say ought to be able to say it and the others ought to be required to listen. I am not suggesting everybody punch a time card, but I am just saying that the Senate did not look very good yesterday afternoon, and we do not quite often.

When I was Governor—better still, when I was a country lawyer—I used to run across surprising things in the statute books. I would think, how on earth did that ever become law? After I was elected Governor, I found out how things like that happen. Most of the time it was because the legislature was passing bills that they did not fully understand.

I tell you, Mr. President, the U.S. Senate did not do itself proud yesterday afternoon. I am not blaming anybody for taking advantage of the rules as they exist. I am not condemning anybody. I am saying if we are supposed to have a 15-minute rollcall, then there ought to be a 15-minute rollcall. I hate to think how long it has been since we had an honest to God 15-minute rollcall in this body.

Mr. President, all I am pleading for is that we face up to some of the problems all of us know exist and deal with them in a reasonable way. We have a right to expect it; the American people have a right to expect it.

I applaud the remarks made by the Senator from Ohio a moment ago. It was not he who lost yesterday afternoon. We all lose when things like that happen.

Mr. President, I yield the floor.

Mr. WILSON addressed the Chair.

Mr. McCLURE. I shall be happy to yield to the Senator from California. I yield the floor.

The PRESIDING OFFICER [Mr. COCHRAN]. The Senator from California.

Mr. WILSON. Mr. President, I thank my distinguished colleague, the Senator from Idaho. I have the greatest respect for the Senator from Arkansas. He has been a Member of this body longer than I have. It seems to me we have the same frustration. It seems to me Members of this body are guilty of talking too much, at too great length, of voting in spurts separated by a lengthy hiatus for no apparent reason. But then I understand that the basis for the rules of the Senate is to protect the right of the minority to air its views, whether they have been capable of winnng support in a committee or whether they have not.

Mr. President, I agree that the Senator from Arkansas has made some telling points with respect to the need for reform. It seems to me that, as someone who has been here a brief period of time, surveying this scene from my vast experience of less than 2 years, we waste an enormous amount of each other's time. Because of that, the fact that busy Senators cannot afford to waste time compels them to be absent from this floor instead of being here, listening to debate, as many are at the moment.

I commend the Senator from Arkansas. I hope that others feeling similiar frustration will join in a serious effort at reforming our rules of operation in a way that will allow the public to enjoy greater confidence, but, perhaps more to the point, allowing those who serve in this body to join with greater confidence in our own procedures.

I must say that I am so struck by his admonition that I shall heed it lest I be guilty of speaking too long.

I say that I join him as well in congratulation to the Senator from Washington, whose remarks on this very important issue, it seems to me, are a condensed text worthy of the attention of anyone who would study this issue. He has put the issue with remarkable succinctness. The issue as he has stated it is whether the Federal Government should be in the power business to make a profit or rather to serve the needs of burgeoning areas on a cost basis. What he has said, but perhaps understated, I would like to emphasize now.

To those who are entertaining the thought of voting against this measure, I would say, ask not for whom the bell tolls, friend; it will toll next for thee, if you are someone who is looking for power from a Federal power project if your burgeoning population or industrial base depends on a project like the Hoover Dam. The answer, as he has stated with great clarity and force, is that the Federal Government should be in business not to make a profit but to provide for those who are willing to repay in full the costs to do so.

In the interest of saving time but perhaps counter to the thought of my friend from Arkansas that we should quickly but more fully debate these issues, I shall put into the RECORD, with the unanimous consent of my colleagues, information which I think indicates a basic misconception on the part of my friend from Ohio, who, it would appear, has confused the cost of power at Hoover Dam wholesale with the cost of power delivered to customers in the service area. I only say that, without intending to do so, I think he has misstated costs and perhaps from that confusion arises his own concern.

I conclude, Mr. President, by commending my friend from Washington for a very clear statement of the issue and my friend from Arkansas for a very clear statement of a concern that I think we all need feel about reforming our procedures.

I thank the Chair and I thank my distinguished colleague.

Mr. President, I ask unanimous consent to have printed in the RECORD, the information I referred to.

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

On July 27, Senator METZENBAUM sent a letter to his colleagues in which he said:

"This incredibly cheap power is available to just three states—parts of Southern California, Nevada and Arizona. Consumers in

the other 47 states must pay 20 times as much for their electricity."

Senator METZENBAUM continued:

"Here's a concrete example: Last month, a fairly typical Northern Virginia consumer used 2000 kwh of electricity for air conditioning. The bill was $146. In Cleveland, the same usage would have cost $158. But if you are fortunate enough to be a consumer of Hoover Dam power, you would pay only $8 for the same usage!"

Senator METZENABUM is badly mistaken.

The facts are that 2000 kwh purchased from any utility in California which is a Hoover Dam power contractor would cost from $136.20 to $177.04.

The figures are as follows:

Los Angeles	$134.20
Glendale	137.00
Burbank	155.72
Pasadena	144.18
Edison	177.04

Mr. METZENBAUM's letter confused the cost of power at the dam, wholesale, with the cost of power delivered to customers, at retail, several hundred miles away. Those delivered costs include not only the cost of transmission and distribution, but the cost of steam-generated power which is essential to supply the customers' demand during the hours of the day when Hoover hydro is not available. Indeed, the water supply is only adequate to operate the Hoover generators at full capacity less than four hours per day. Hoover power is used for meeting only the peak loads in the evening or during emergencies. The utilities in California, like those elsewhere, must depend on power generated by the use of fossil fuels, or nuclear plants, to meet their base loads.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, comments have been directed at the rules of the Senate, especially by our colleague, Senator BUMPERS of Arkansas, rather than on the specifics of the vote of yesterday or votes that come today on the Hoover power issue. I think we ought to face up to the fact that the Senate needs changes, not in one degree but in many degrees, in its rules and procedures.

I was defeated by five votes in an attempt, during the 97th Congress, to change the rules which would have required that Senators be at their desks when voting. I did not get angry about that result, but I was upset, naturally, that there was not the same desire of a majority of Senators at that time. Hopefully, we can make the needed change at some time in the near future and stop jamming the well at the time of rollcalls. I have never tried to make the Senate rigid. Senators must be able to move about from desk to desk and talk to their colleagues. But at the time of the rollcalls, a Senator I think has a responsibility, not as a matter of dignity but as a matter of decorum and discipline in this body, to vote at his or her desk.

I often have talked with people in the galleries, and they have wondered what has really happened on rollcalls. Especially when we have the situation time after time when it is a maelstrom rather than a well-ordered vote on a specific measure.

I take the further opportunity—and I shall delay action only for a few more minutes—to remember so well, as some other Senators will, when we had a special study committee in the Senate on rules and procedure. It was headed at that time by the able Senator from Iowa, Harold Hughes. There was an extensive hearing process during which Senators were asked to come and discuss the need for possible changes in the rules of the Senate. I appeared before the members of the committee. I am not saying that I am always right, but I felt it was very important that we stop holding meetings of our committees during the time when consideration was being given to important measures in this Chamber. I have seen over and over again, and it is understandable, that we would be involved in committee hearings and the Senate would be in session. As we know, amendments to a bill can be offered quickly.

I find many times that when we rush from the committee into this Chamber, we are asked to consider an important subject matter that is presented by an amendment which has never been printed. Often these amendments have hurriedly been prepared and have been sent to the desk and quickly read. We are then asked to hurriedly cast a vote on an issue that has had little or no debate.

I am not sure that what I am now saying has any agreement from Senators, but I believe that an amendment should be offered, printed, and lay on the desk for 24 hours before that amendment could be voted on. Also, we must not hold committee meetings at the time that we are considering subject matters on the floor of the Senate of the United States. I yield to my colleague.

Mr. McCLURE. I thank the Senator from West Virginia for yielding. I just wanted to make this observation about this particular bill. The amendment which was offered by the Senator from Nevada had been submitted to the Senate 6 weeks before this bill came before the Senate last time. The Senator from Nevada fully exposed for review of the Senate what was going to be voted upon, before the bill passed the Senate last time. So I think that whatever concern the Senator from West Virginia has about the amending procedure, it has been more than fully complied with in terms of notice and in terms of rules of procedure.

Mr. RANDOLPH. My colleague from Idaho, the chairman of the Energy Committee, is correct about the pending amendment. I only take this opportunity to discuss something he also knows takes place time and time again when there is not the opportunity of a well-planned amendment to be discussed in a way that will give Senators adequate time to study that amendment. I prefaced my remarks today by saying it had no reference to the pending matter because I saw the opportunity as a result of what the Senator from Arkansas [Mr. BUMPERS] was saying. He was saying that we should amend the rules of the Senate of the United States. We should have, and we never will have, I am sure—when I leave here on January 3, I know that we will not have done it—no meetings of committees when we are debating and voting in the Senate of the United States. I would like to see the decision made in the Senate that we have 4 hours for committee meetings in the morning with no Senate session or we have a division of that day. We could have committee days and legislative days except under emergency sessions. I am not warning. I have no right to do that. I am only saying that someday hopefully this body will act upon some of the recommendations which were made years ago to that earlier committee on Senate procedure.

Mr. HECHT. Mr. President, I would once again like to summarize the reasons why S. 268 deserves final Senate approval this afternoon. As the original sponsor of the Senate amendment which now is the main body of this House-passed bill. I want to assure my colleagues that this is a sound piece of legislation, representing the culmination of fully 5 years of administrative and legal battles over the future allocation of power from Hoover Dam.

The 50-year power allocation contracts for Hoover Dam are due to expire in 1987, less than 3 years from now. In order to provide adequate time for utility planning and the execution of these new contracts, we must pass S. 268 now. It is imperative that we act now to authorize the $77 million in improvements at Hoover Dam, so that the States of Nevada, Arizona, and California can begin to raise the upfront capital required under this bill.

The Senator from Ohio continues to insist that S. 268 is being rushed through the Senate. This simply is not true, S. 268 has already passed the Senate once, by unanimous consent. It has passed the House of Representatives by an overwhelming margin. Hearings have been held in both bodies. Where was the Senator from Ohio during the entire 13 months that this legislation has been before Congress?

My reasons for opposing his amendments at this time are quite simple. This is not the time or the place to be debating the fundamental issue of Federal hydropower pricing policy. The bill's sponsors have offered to hold additional hearings on the pricing of power from Hoover Dam. We have offered to make the Hoover con-

tracts subject to any pricing changes that Congress might choose to make in the future. What more can we offer in the context of this legislation?

Let me conclude this statement by thanking all of my colleagues who have helped in the shaping of S. 268; 12 months ago, I would not have believed that the States of Nevada, Arizona, and California could agree on what direction the Sun sets over Hoover Dam. Today, after months of negotiation and compromise, Senators CRANSTON, WILSON, GOLDWATER, DECONCINI, LAXALT, and I stand together on the floor of this body in full support of S. 268. This was no small feat.

I also want to thank Senator MCCLURE and Congressman UDALL, the respective committee chairmen in the House and Senate, for their help in guiding this legislation. We could not have done it without them.

Finally, I would like to extend a special thanks to Senator EVANS from Washington, who as former chairman of the Pacific Northwest Power Planning Council, has to be one of the Senate's foremost experts on hydroelectric power and marketing. He has been a great help here on the Senate floor during the past few days. As have the rest of my colleagues who have voted in favor of prompt consideration of S. 268.

Again, I urge my colleagues support for final passage of S. 268, the Hoover Powerplant Act.

MARKET PRICING

● Mr. GOLDWATER. Mr. President, Federal hydropower must continue to be sold at the lowest price consistent with sound business principles. This pricing concept was adopted by Congress in 1936 and is the heart of Federal water policy management. The Federal Water Power Act of 1920 adopted this concept with regard to private hydropower development under license from the Federal Energy Regulatory Commission. It is difficult to square with amendments arguing for market pricing. There is no need to change national policy.

Many of the arguments for market cost pricing are based on the idea that it will eliminate conservation of electric energy. During the past decade, electric energy has increased over 57 percent in cost. This increase in cost has already encouraged consumers to reduce use to the lowest point consistent with their needs. Energy growth has slowed from 7 percent annually compounded to approximately 1.2 percent. Market cost pricing for scarce Federal hydropower will not encourage further reduction in use.

In essence, market pricing is new tax on use of energy by Federal hydropower consumers. The purchase of oil for storage, in the event of an OPEC-caused shortage, is a national burden and is paid from the National Treasury. Federal hydropower represents an investment which is being repaid by the consumers.

There is no need for the United States to make a profit from Federal hydropower resources. As noted above, when the Federal Water Power Act was passed in 1920, it was intended to stimulate private development of water resources. However, the great cost of dams and powerhouses caused the United States to construct and to operate these multipurpose structures created for water storage, for irrigation, for generation of electric power, for flood control and to stimulate interstate commerce. Many times, power has paid for the other uses of the structures.

To now turn these structures into money machines to do what the Federal Water Power Act of 1920 and regulators for all of the States have forbidden is not proper. Charging all that the market can bear may be an attractive revenue philosophy, but it is entirely foreign to the concept that only a modest rate of return over investment should be allowed investor-owned utilities. Would market based pricing give a signal that all energy be market priced?

Clearly, the arguments for market pricing are specious. It is against the public interest.●

Mr. DECONCINI. Mr. President, I support the Hoover Dam bill as passed by the House and Senate earlier this year. The legislation was modified considerably by the House and represents a delicate balance of all municipal, agriculture, and power interests of the States of California, Arizona, and Nevada. The primary purpose of the bill is to authorize the enlargement of the Hoover powerplant to increase the generation of electricity to meet the many and growing needs of the lower basin States. This bill is especially important to the State of Arizona because Hoover Dam will provide the power necessary to support the Colorado River storage project, to provide energy needs for the central Arizona project.

While some will argue that we should not be selling Federal power at below-market rates, the primary purpose of the Federal power program is not to maximize the Government's revenues but to sell power from public projects at the lowest possible rates to consumers that will recover the Government's investment and pay the operating expenses. As written, S. 268 is really a proconsumer bill. Electric rates continue to escalate and our Nation's public cannot afford to pay the going market rates for Federal power. Large increases in the cost of power would be passed along to the retail users of electricity and to all who are the consumers of agricultural and manufactured goods which are produced with this power. Mr. President, the same arguments being used to raise Hoover's rates can be applied to every Government project around the country. Market pricing of Federal electric power is unlikely to stop at Hoover. The market approach to Hoover wold penalize millions of consumers without achieving any genuine beneficial gain to enhancing the environment.

Mr. President, we are all concerned that the Federal Government should get the greatest return to every dollar it invests. However, if the end result is to create greater inflation and place people who are already overburdened financially in a worse economic position, then we need to carefully review our Federal priorities.

The new contract terms in S. 268 call for 30-year contracts. Provisions have been included in the bill to adjust rates to recover fully all costs when necessary. We cannot plan our long-term energy needs in Arizona or other States without long-leadtimes to raise bonding necessary to meet the financial commitments associated with these needs. A 5-year contract term is not sufficient to plan utility needs and meet energy demands.

This legislation is very important to the State of Arizona. If the Senate continues to have questions over the merits of the cost-pricing provisions and contract terms in this legislation, hearings can be held next year to more thoroughly review the entire policy of Federal power marketing. For the time being, however, in order to make this valuable power available to meet the commitments of the States involved, and to avoid further litigation over Hoover power, this bill should be adopted without amendment.

Mr. EVANS. Mr. President, I understand that section 109 of S. 268 as amended by the House of Representatives includes authorization for construction of fish passage facilities with the Yakima River Basin in the State of Washington. Fish passage facilities at a number of the irrigation dams on the Yakima River were authorized by the act of March 10, 1934. A number of the dams, however, were constructed prior to enactment of that act, and have no fish and wildlife purpose authorized.

Section 4(h)(10) of the Pacific Northwest Electric Power Planning and Conservation Act authorizes the Bonneville Power Administration to use the Bonneville fund to protect, mitigate, and enhance fish and wildlife resources to the extent affected by the development and operation of hydroelectric projects on the Columbia River and its tributaries. These measures may include offsite mitigation and enhancement, such as construction of fish passage facilities at irrigation dams that have no hydroelectric

component. Section 4(h)(1)(B) of the Northwest Power Act, however, explicitly states that nothing in this section shall alter, modify, or affect the rights and obligations of any agency, entity, or person under such laws.

Without authorization such as provided in section 109 of S. 268, or in an appropriations bill, is it correct that the Secretary of the Interior is without authority to allow construction of fish passage facilities at Bureau of Reclamation facilities which have no authorized fish and wildlife or hydroelectric purpose?

Mr. McCLURE. That is correct.

Mr. EVANS. Furthermore, section 109 of S. 268 as amended by the House of Representatives authorizes the Secretary of the Interior to accept funds from any entity, public or private, to design, construct, operate, and maintain fish passage facilities within the Yakima River Basin. Section 4(h)(10)(A) of the Northwest Power Act requires that expenditures from the Bonneville fund to protect, mitigate, and enhance fish and wildlife resources shall be in addition to, not in lieu of, other expenditures authorized or required from other entities under other provisions of law.

Without authorization such as provided in section 109 of S. 268, or in an appropriations bill, is it correct that the Secretary of the Interior is without authority to receive funds from any other entity, including the Bonneville Power Administration, to design, construct, operate, and maintain fish passage facilities at Bureau of Reclamation installations which do have an authorized fish and wildlife purpose?

Mr. McCLURE. That is correct.

Mr. EVANS. It is my understanding that there is nothing in section 109 of S. 268 that would provide for the appropriation of water by any entity or any derogation of water rights currently established under Federal or State law. Is that correct?

Mr. McCLURE. That is correct.

Mr. EVANS. Finally, it is also my understanding that nothing in this section would alter or establish the respective water rights of the States, the United States, Indian tribes, or any other individual with respect to water or water-related rights. Is that correct?

Mr. McCLURE. That is correct.

Mr. EVANS. I thank the chairman for answering these questions, and for his leadership on this issue. I share his interpretation of this legislation and its interrelationship with the Pacific Northwest Electric Power Planning and Conservation Act and other Federal law. I strongly urge the Senate to accept this House amendment to S. 268.

Mr. McCLURE. Mr. President, I do not know of anyone who desires to speak on this motion. I ask for the yeas and nays on the motion.

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

The yeas and nays were ordered.

Mr. McCLURE. Mr. President, just to refresh the memories of the body, before we vote—and I think we are prepared to vote—this bill was reported from committee. The administration had testified with respect to this issue before the committee. So there was that much hearing with respect to the issue which is before us. The Senator from Nevada had submitted a written amendment 6 weeks prior to its consideration on the floor. The Senate approved the amendment and adopted the bill, as amended. It is now before us because the House amended the bill in other respects, and it has returned to us for the concurrence in the action of the House. The motion before us is to concur in the House amendment in the nature of a substitute. I think we are prepared to vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on the motion to concur. The clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART], and the Senator from Tennessee [Mr. SASSER], are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 64, nays 34, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—64

Abdnor	Goldwater	Melcher
Andrews	Gorton	Murkowski
Armstrong	Grassley	Nickles
Baker	Hatch	Packwood
Baucus	Hatfield	Pressler
Bentsen	Hecht	Pryor
Bingaman	Heflin	Randolph
Boren	Heinz	Simpson
Bumpers	Helms	Specter
Burdick	Hollings	Stennis
Cochran	Huddleston	Stevens
Cranston	Inouye	Symms
DeConcini	Jepsen	Thurmond
Denton	Johnston	Tower
Dole	Kassebaum	Trible
Domenici	Kasten	Wallop
Eagleton	Kennedy	Warner
East	Laxalt	Weicker
Evans	Long	Wilson
Exon	Matsunaga	Zorinsky
Ford	Mattingly	
Garn	McClure	

NAYS—34

Biden	Glenn	Pell
Boschwitz	Hawkins	Percy
Bradley	Humphrey	Proxmire
Byrd	Lautenberg	Quayle
Chafee	Leahy	Riegle
Chiles	Levin	Roth
Cohen	Lugar	Rudman
D'Amato	Mathias	Sarbanes
Danforth	Metzenbaum	Stafford
Dixon	Mitchell	Tsongas
Dodd	Moynihan	
Durenberger	Nunn	

NOT VOTING—2

Hart	Sasser

So the motion to concur in House amendments to S. 268 was agreed to.

Mr. McCLURE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

Mr. McCLURE. Mr. President, I move that the Senate concur in the House amendment to the title.

The PRESIDING OFFICER. Without objection, the motion is agreed to.

EXECUTIVE SESSION

THE JUDICIARY

The PRESIDING OFFICER. The Senate will now go into executive session to resume consideration of the nomination of James Harvie Wilkinson III, of Virginia, to be a U.S. circuit judge for the fourth circuit, with 1 hour of debate, pursuant to a unanimous consent agreement, to be equally divided and controlled by the Senator from Massachusetts, Mr. KENNEDY, and the chairman of the Judiciary Committee, Mr. THURMOND, or their designees.

CLOTURE MOTION

Mr. BAKER. Mr. President, I send to the desk a cloture motion and ask that it be stated by the clerk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James Harvie Wilkinson III, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Bob Kasten, Paul Trible, John East, Slade Gorton, Pete Wilson, Chic Hecht, William D. Armstrong, Daniel Evans, Jesse Helms, Orrin Hatch, Jeremiah Denton, Thad Cochran, and Paul Laxalt.

UNANIMOUS-CONSENT AGREEMENT—S. 2201

Mr. BAKER. Mr. President, before we start the 1 hour provided for in the previous unanimous-consent agreement, there is one matter that is cleared on both sides for action by unanimous consent of a legislative nature, and that is the consideration of Calendar Order No. 865, S. 2201, a bill to convey certain lands to the Zuni Indian Tribe for religious purposes.

I ask unanimous consent that it may be in order, as in legislative session, to proceed to the consideration of that matter for not more than 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Reserving the right to object.

Mr. BAKER. Mr. President, I further ask unanimous consent that no amendments be in order except a committee amendment and an amendment to be submitted by the distinguished Senator from Arizona, Mr. GOLDWATER; that no motion to recommit the bill will be in order; and that no time be permitted on a motion to reconsider.

Mr. President, I amend the request so that it is no motion to recommit with instructions or to refer with instructions.

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

Mr. BAKER. Mr. President, under the arrangement, there will be 1 minute on the Zuni Indians, then we will be back in executive session for the purpose of resuming debate on the Wilkinson nomination. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

CONVEYANCE OF CERTAIN LANDS TO THE ZUNI INDIAN TRIBE

Mr. BAKER. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar Order 865, S. 2201.

Mr. METZENBAUM. Is that the Zuni Indian bill?

Mr. BAKER. That is correct.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 2201) to convey certain lands to the Zuni Indian Tribe for religious purposes.

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

The Senate proceeded to consider the bill which had been reported from the Select Committee on Indian Affairs with amendments as follows:

On page 2, at the beginning of line 16, insert "subject to any existing leasehold interests.".

On page 3, line 2, after "acquire" insert "through purchase or exchange".

On page 3, line 3, after "lands" insert "and leasehold interests".

On page 3, after line 13, insert:

SEC. 5. (a) The Secretary of the Interior shall make available for sale to Apache County, Arizona, land which—

(1) is under the jurisdiction of the Bureau of Land Management on the date of enactment of this Act,

(2) is located within the boundaries of Apache County, Arizona, and

(3) consists of a number of acres equal to the number of acres of land that—

(A) are acquired in fee under section 3 by the Secretary of the Interior or the Zuni Indian Tribe, and

(B) are subject to taxation by Apache County, Arizona, on the date of enactment of this Act.

(b)(1) The Secretary of the Interior shall designate the land which is available for sale under subsection (a) by no later than the date which is two years after the date of enactment of this Act. The Secretary of the Interior shall publish in the Federal Register a description of any land so designated.

(2) The designation of land under paragraph (1) shall be subject to any land transfer which is required in order to carry out any relocation pursuant to Public Law 93-531.

(3) Land which is designated by the Secretary of the Interior under paragraph (1) shall be available for sale under subsection (a) during the period which begins on the date which such designation is made and ends of the date which is four years after the date of enactment of this Act.

(c)(1) If Apache County, Arizona, agrees to use any portion of the land purchased under subsection (a) only for public purposes, the price at which such portion of the land shall be sold to Apache County under subsection (a) shall be equal to the lesser of—

(A) the price at which Apache County could acquire such land under the Federal Land Policy Management Act of 1976, or

(B) the price at which Apache County could acquire such land under the Act of June 14, 1926 (44 Stat. 741; chapter 578).

(2) If Apache County, Arizona, does not agree to use a portion of the land purchase by such county under subsection (a) only for public purposes, the price at which such portion of land shall be sold under subsection (a) shall be fair market value of such portion of land determined with regard to the current use of such portion of land on the day preceding the date of such sale.

(d) The provisions of this section shall not delay the transfer of any land under this Act for the benefit of the Zuni Indian Tribe.

On page 5, line 14, strike "5" and insert "6".

On page 6, line 1, strike "6" and insert "7".

On page 6, after line 5, insert ".

SEC. 8. Payment being made to any State or local government pursuant to the provisions of section 1601 of title 31, United States Code, on any lands transferred pursuant to section 2 hereof shall continue to be paid as if such transfer had not occurred.

The PRESIDING OFFICER. The question is on the first committee amendment.

Mr. BAKER. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc.

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

The committee amendments were considered and agreed to en bloc.

AMENDMENT NO. 3583

(Purpose: To deny fencing activity at the area commonly referred to as Big Mountain within the former joint use area for 2 years after the date of enactment of this act)

Mr. BAKER. Mr. President, on behalf of the distinguished senior Senator from Arizona [Mr. GOLDWATER], I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Tennessee [Mr. BAKER], for Mr. GOLDWATER, proposes an amendment numbered 3583.

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

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

The amendment is as follows:

At the end of the bill, insert the following new section:

"SEC. 9. Notwithstanding 25 USC 640d-18 (c)(1), the Secretary of the Interior is directed to discontinue any fencing activity at the area commonly referred to as Big Mountain within the former Joint Use Area for two years after the date of enactment of this Act."

Mr. GOLDWATER. Mr. President, under existing law, the Secretary of the Interior is directed to fence off the Navajo partitioned lands and the Hopi partitioned lands, of the former joint use area. Presently, plans are underway to fence off the area known as Big Mountain. This area is also the focal point in pending land exchange negotiations between the Navajo and Hopi Tribes. A very volatile situation exists at Big Mountain; by fencing it, there is a real potential for violence, and this is something I am sure none of the concerned parties want to see happen. Events are escalating to the point where things could go completely out of control and action must be taken immediately to defuse this critical situation. I will tell my colleagues that I view this as a temporary, but much needed, measure since I plan to introduce legislation next year that will provide a permanent and equitable land exchange involving Big Mountain if the Navajo and Hopi Tribes cannot resolve their differences this year. This amendment, however, is needed at this time and I urge my colleagues to support me in this.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3583) was agreed to.

Mr. ANDREWS. Mr. President, today we consider the passage of S. 2201, which will provide for the settlement of ancient claims of the Zuni Pueblo concerning the area known as Zuni Heaven that is central to the religious beliefs of the Pueblo. This legislation provides for a complex arrangement of transferring Federal lands to the Pueblo, State lands that will be exchanged with other public lands and transferred to the Pueblo, and private lands and leasehold interests to be purchased by the Zuni Pueblo with its own resources.

Section 7 of the bill provides that the sale of these interests by private parties to the Zuni Pueblo will be treated as a section 1033 involuntary conversion for Federal income tax purposes. Similar provisions are often an important element in the complex settlement that are crafted to resolve Indian land claims.

Since section 7 is a tax provision, it is a matter within the jurisdiction of the Senate Committee on Finance which is responsible for all tax and revenue measures. Given the urgent circumstances that compel prompt consideration of S. 2201, there is not sufficient time for a referral of this matter to the Committee on Finance. Accordingly, I am grateful that Senator DOLE, chairman of the Finance Committee, has consented to Senate consideration of this measure, with the understanding that in the future any similar tax provisions will be referred to the Finance Committee for its consideration or some other mutually satisfactory arrangement will be made.

Mr. DOLE. Mr. President, I thank the Senator from North Dakota. As he has correctly stated I will not object to the consideration of S. 2201 with the understanding that any future provisions dealing with the tax aspects of Indian claims settlements will be referred to the Senate Committee on Finance or some other mutually satisfactory arrangement will be worked out.

The PRESIDING OFFICER. The bill is before the Senate and 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, read the third time, and passed, as follows:

S. 2201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of securing the following described lands located in the State of Arizona, upon which the Zuni Indians depend and which the Zuni Indians have used since time immemorial for sustenance and the performance of certain religious ceremonies, the following are hereby declared to be part of the Zuni Indian Reservation:

Beginning at the northeast corner of section 26, township 15 north, range 26 east, Gila and Salt Rivers meridian; thence west to the northwest corner of section 28, township 15 north, range 26 east; thence south to the southwest corner of section 16, township 14 north, range 26 east; thence east to the southeast corner of section 14, township 14 north, range 26 east; thence north to the point of beginning.

Also all of sections 26 and 27, township 14 north, range 26 east, Gila and Salt Rivers meridian.

SEC. 2. All lands described in the first section of this Act which are presently owned by the United States are hereby declared to be held in trust for the Zuni Indian Tribe subject to any existing leasehold interests. The Secretary of the Interior is authorized and directed to acquire through exchange those lands described in such section which are owned by the State of Arizona, and shall exchange lands under the jurisdiction of the Bureau of Land Management within the State of Arizona for said State lands. Such lands will be transferred without cost to the Zuni Indian Tribe and title thereto shall be taken by the United States in trust for the benefit of said tribe.

SEC. 3. The Secretary of the Interior or the Zuni Indian Tribe is authorized to acquire through purchase or exchange the remaining private lands and leasehold interests described within the first section of this Act which are not presently owned by the United States or the State of Arizona, and when acquired, title to such lands shall be held by the United States in trust for the Zuni Indian Tribe.

SEC. 4. The Secretary of the Interior is directed to immediately acquire by voluntary agreement the permanent right of ingress and egress to all lands described in the first section of this Act for the limited purpose of allowing the Zuni Indians to continue to use said lands for traditional religious pilgrimages and ceremonials.

SEC. 5. (a) The Secretary of the Interior shall make available for sale to Apache County, Arizona, land which—

(1) is under the jurisdiction of the Bureau of Land Management on the date of enactment of this Act,

(2) is located within the boundaries of Apache County, Arizona, and

(3) consists of a number of acres equal to the number of acres of land that—

(A) are acquired in fee under section 3 by the Secretary of the Interior or the Zuni Indian Tribe, and

(B) are subject to taxation by Apache County, Arizona, on the date of enactment of this Act.

(b)(1) The Secretary of the Interior shall designate the land which is available for sale under subsection (a) by no later than the date which is two years after the date of enactment of this Act. The Secretary of the Interior shall publish in the Federal Register a description of any land so designated.

(2) The designation of land under paragraph (1) shall be subject to any land transfer which is required in order to carry out any relocation pursuant to Public Law 93-531.

(3) Land which is designated by the Secretary of the Interior under paragraph (1) shall be available for sale under subsection (a) during the period which begins on the date which such designation is made and ends on the date which is four years after the date of enactment of this Act.

(c)(1) If Apache County, Arizona, agrees to use any portion of the land purchased under subsection (a) only for public purposes, the price at which such portion of the land shall be sold to Apache County under subsection (a) shall be equal to the lesser of—

(A) the price at which Apache County could acquire such land under the Federal Land Policy Management Act of 1976, or

(B) the price at which Apache County could acquire such land under the Act of June 14, 1926 (44 Stat. 741; chapter 578).

(2) If Apache County, Arizona, does not agree to use a portion of the land purchase by such county under subsection (a) only for public purposes, the price at which such portion of land shall be sold under subsection (a) shall be fair market value of such portion of land determined with regard to the current use of such portion of land on the day preceding the date of such sale.

(d) The provisions of this section shall not delay the transfer of any land under this Act for the benefit of the Zuni Indian Tribe.

SEC. 6. The value of the interest in land conveyed or any funds expended pursuant to this Act or any other sums expended or services rendered gratuitously or otherwise by the United States for the benefit of the Zuni Indian Tribe or its members from 1846 to the present shall not be offset against any award of judgment against the United States which may be rendered in favor of the Zuni Indian Tribe in Docket Numbers 161-79L and 327-81L presently pending before the United States Court of Claims. The Zuni Indian Tribe may encumber its interest in said dockets in order to acquire the lands described in section 3.

SEC. 7. For the purpose of subtitle A of the Internal Revenue Code of 1954, any transfer of private lands or leasehold interests to which section 3 applies shall be deemed to be an involuntary conversion within the meaning of section 1033 of such code.

SEC. 8. Payment being made to any State or local government pursuant to the provisions of section 1601 of title 31, United States Code, on any lands transferred pursuant to section 2 hereof shall continue to be paid as if such transfer had not occurred.

SEC. 9. Notwithstanding section 640d-18(c)(1) of title 25, United States Code, the Secretary of the Interior is directed to discontinue any fencing activity at the area commonly referred to as Big Mountain within the former Joint Use Area for two years after the date of enactment of this Act.

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

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

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, I yield the floor.

NOMINATION OF JAMES HARVIE WILKINSON III, OF VIRGINIA, TO BE U.S. CIRCUIT JUDGE FOR THE FOURTH CIRCUIT

The PRESIDING OFFICER. The Senate will now resume consideration of the nomination of James Harvie Wilkinson III, of Virginia, to be U.S. circuit judge for the fourth circuit.

Mr. BAKER. Mr. President, Members should be on notice that a cloture vote will occur without the rule XXII quorum call, which was dispensed with by unanimous consent under the previous order, 1 hour from now.

Could I inquire of the Chair when that hour is interpreted to have begun to run?

The PRESIDING OFFICER. From this moment.

Mr. BAKER. Very well, Mr. President. There will be a vote on cloture at 7 minutes before 5 o'clock this evening. Senators should be on notice of that fact.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, as I understand, under the agreement there is 1 hour equally divided.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I am quite prepared to speak in opposition to this nomination. We are hopeful that those who favor this amendment will advance their cause before the

Senate to try to persuade us. If those who favor the nominee are not prepared to do so, I am quite prepared to speak in opposition, or I would reserve my time.

Mr. BAKER. Mr. President, I believe the distinguished chairman of the Judiciary Committee has control of the time of those who favor the nomination.

The PRESIDING OFFICER. The majority leader is correct.

Who yields time?

Mr. KENNEDY. Mr. President, I wanted to afford the courtesy to those who supported this nominee for this extremely important position the opportunity to make their presentation in favor of the nominee. However, I yield myself such time as I might use.

Mr. President, I strongly oppose Senate action on the nomination of J. Harvie Wilkinson to the fourth circuit.

More than 4 months have passed since I joined other Senators from both sides of the aisle in requesting a further hearing on this nomination in the Judiciary Committee.

More than 2 months have passed since my colleagues and I raised significant questions on the Senate floor about the qualifications of Mr. Wilkinson to be a Federal judge. And during all that time, no hearing has been held. The Senate has a right to know why Mr. Wilkinson has not been invited back to the Judiciary Committee to set the record straight on the numerous questions that have been raised. These questions are no less troubling today than they were 2 months ago or 4 months ago.

It is true that two hearings were held on this nomination—one in November 1983, and another in February 1984. But these two hearings were entirely pro forma—until major allegations against Wilkinson's qualifications and ethics were suddenly made at the second hearing.

There are numerous allegations against Wilkinson; they are serious allegations; and they deserve serious answers.

In my view, the stonewalling attitude of the Judiciary Committee with respect to these allegations is indefensible. The persistent refusal of the chairman of the Judiciary Committee to hold another hearing on this nomination strongly suggests that the nominee has no satisfactory answers.

The Senate should not vote to confirm a judicial nominee who has been under a dark cloud of allegations of impropriety for months, and has done absolutely nothing to dispel the serious doubts about his fitness to serve on the Federal bench.

Mr. Wilkinson presents a formidable combination of inadequacies.

He is the least qualified nominee ever submitted for an appellate court vacancy. Many academics have been appointed to the Federal appellate bench in the past, but all have had at least limited—and often substantial—practical legal experience. Wilkinson has zero experience—no clients, no trial court experience, no appellate court experience, no clinical legal courses in his teaching.

Mr. Wilkinson, who was admitted to the bar in 1972, in fact has fewer years as a member of the bar than any circuit court nominee from the creation of the circuit courts of appeal in 1891 through the end of 1980. And three of those years were actually spent outside the field of law, as an editorial writer for the Norfolk Virginian-Pilot newspaper. And in an editorial of July 2, 1983, the Virginian-Pilot, his own newspaper, opposed the nomination.

Mr. Wilkinson's lack of experience was a source of serious embarrassment to the Department of Justice during his year of service as Deputy Assistant Attorney General in the Civil Rights Division.

On one occasion, Wilkinson's ignorance of court procedures resulted in a Federal court assessing a fine against the Department because Wilkinson had caused the Civil Rights Division to miss a court deadline for responding to interrogatories.

Here is how one of the attorneys in the Civil Rights Division, Mr. Timothy Cook, described the situation, as reported in the June 1984 issue of Commonwealth, the Magazine of Virginia:

> One afternoon, Cook was in his office busily researching a case that grew out of a dispute over services provided to handicapped patients at Baylor University Medical Center when he received an urgent call to report to Wilkinson's office for a group discussion on the case.
>
> In his hand, Wilkinson waved a fistful of paper. "Why are we doing this?" Cook says Wilkinson demanded of his attorneys. "Why are we serving interrogatories on them? Why are we harassing defendants like this?"
>
> Cook exchanged a disbelieving glance with the other attorneys gathered in Wilkinson's office. Wilkinson had failed to note that he was reviewing his own Department's answers to interrogatories filed by the other side.
>
> "He didn't understand that the other side had filed the interrogatories on us, and that we had to answer them," says Cook. "On his qualifications to be a judge? He doesn't understand basic pleadings."
>
> According to Cook, Wilkinson's naivete resulted in court fines to the Department for the delay in answering the interrogatories. "It's sort of unheard of for Department attorneys to be fined for not answering interrogatories," says Cook. "The other part of that is that he didn't understand what was going on."

This was the second time in the same case that Wilkinson had angered the court. The judge had also threatened to rule against the Justice Department when Wilkinson delayed filing a necessary response by the Government to a motion for summary judgment filed by the medical center. Mr. Cook has also described Wilkinson's reaction to this episode:

> I recall vividly the sadness I felt at seeing Deputy Assistant Attorney General for Civil Rights J. Harvie Wilkinson rejoice at the news that the Federal judge for the case had threatened to rule against the Government for failing, due to intentional delay in the front office, to file pre-trial papers on time—it was a way out, and it could be blamed on the judge.

It is apparently unprecedented in the Civil Rights Division for the Government to be fined for ignoring basic procedural requirements in litigation, and I understand that such fines are virtually unprecedented in the entire Department of Justice. Under Republican or Democratic administrations, the Government prides itself on the quality of its legal performance—Mr. Wilkinson's performance was all the more embarrassing because his inexperience tarnished this tradition of excellence.

Extraordinary allegations have also been raised that Wilkinson conducted an unethical and excessive lobbying campaign aimed at the American Bar Association Committee on the Federal Judiciary, in order to secure a "qualified" rating from the committee.

Officials of the Justice Department obtained and improperly divulged the results of the confidential preliminary ABA investigation to the nominee, informing him that the ABA investigating committee members were in disagreement, that a vote was about to be taken, and that his approval by the committee was in jeopardy.

Wilkinson used the information improperly obtained from Justice Department officials to organize an intensive and unprecedented lobbying campaign to persuade the ABA committee to rate him "qualified."

Officials of the Justice Department who were supporters of Mr. Wilkinson conducted their own high pressure lobbying campaign to secure enough votes for a rating of "qualified" by the ABA committee.

Even Supreme Court Justice Lewis F. Powell, Jr., was part of the lobbying campaign. My purpose here is not to criticize Justice Powell. He has been a family friend of Wilkinson's father for many years, and Wilkinson served as a law clerk to Justice Powell in the 1970's. But the incident does illustrate the extreme lengths to which Wilkinson was prepared to go in abusing Justice Powell and the ABA investigating committee.

Powell had initially been contacted by the two ABA committee investigators. The second investigator told Powell that the first investigator was compiling a negative report on Wilkinson. Powell then initiated a contact with a third member of the committee whom Powell knew, and lobbied him for Wilkinson.

His relationship with Justice Powell was not the only relationship that

Wilkinson misused in approaching the ABA.

Wilkinson also unfairly and unethically pressured his own students at the University of Virginia Law School. Some of the students refused. But Wilkinson succeeded in persuading a black student to lobby the black member of the ABA committee on Wilkinson's behalf. At the time, the student had taken a course from Wilkinson, and Wilkinson had written recommendations for him for his future career.

The ABA committee was concerned enough about the lobbying campaign for Wilkinson that it summoned Justice Department officials to the ABA midwinter meeting in Las Vegas to reprimand them. The chairman of the committee admitted that "it was the timing of these calls which was objectionable."

Notwithstanding the ABA committee's written guidelines which recommend substantial trial experience and specify at least some trial experience as a minimum requirement for approval, the committee found Wilkinson to be qualified. The committee has never before given a qualified rating to such a nominee.

Finally, in addition to his improper activities during his confirmation process, Mr. Wilkinson, while at the Justice Department, participated in interviewing at least one candidate for the fourth circuit vacancy he has been nominated to fill after he himself expressed interest in being nominated to fill that vacancy.

These allegations raise serious questions which the Senate needs answered before it votes on Wilkinson's nomination. Many of us raised these questions in the Senate Judiciary Committee months ago. Yet we have received absolutely no response on these serious issues.

The Judiciary Committee has had ample time to hold an additional hearing on this nomination, but has refused to do so. The obvious inference is that Wilkinson cannot answer these questions.

The integrity of the judicial selection process is fundamental to the integrity of our judicial system. We must not abdicate our responsibility to assure that the Senate confirmation proceedings are full, fair, and unbiased. I urge the Senate to delay action on this nomination until the Senate Judiciary Committee does its job, and conducts an adequate hearing to address these questions. In its present posture, the Wilkinson nomination is an embarrassment to the State of Virginia, to the fourth circuit, to the Supreme Court, and to the U.S. Senate, and Wilkinson should not be confirmed.

Mr. President, I have compiled a list of quotations by individuals involved in this nomination that I think sum up the serious problems with this nominee.

I ask unanimous consent that these quotations be printed in the RECORD at the conclusion of my remarks.

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

QUOTATIONS ON THE WILKINSON NOMINATION

"It is never too soon to begin stressing merit over connections."—Editorial by Wilkinson on merit selection of judges, Norfolk Virginian-Pilot, January 18, 1979.

"I am talking about having represented a client at some point in his life. I am talking about having written a brief, arguing an appeal, having done something that shows that he understands the nature of the attorney-client relationship. That is a huge gap in Mr. Wilkinson's background and one, since he is a young man, that he can take time to develop before being appointed to the Fourth Circuit Court of Appeals. . . . We have before us, frankly speaking . . . a man who at this stage in his career is facially unqualified to be appointed to the Fourth Circuit Court of Appeals."—Elaine Jones, NAACP Legal Defense Fund, Senate Judiciary Committee, February 22, 1984.

"I recall vividly the sadness I felt at seeing Deputy Assistant Attorney General for Civil Rights J. Harvie Wilkinson rejoice at the news that the federal judge for the case had threatened to rule against the government for failing [due to intentional delay in the front office] to file pre-trial papers on time—it was a way out, and it could be blamed on the judge."—Timothy Cook, letter of resignation from Civil Rights Division of Justice Department, October 18, 1983.

"He didn't understand that the other side had filed the interrogatories on us and that we had to answer them. On his qualifications to be a judge? He doesn't understand basic pleadings . . . . It's sort of unheard of for department attorneys to be fined for not answering interrogatories. The other part of that is that he didn't understand what was going on."—Timothy Cook, Commonwealth (Virginia) Magazine, June 1984.

"The court finds that the Defendant's failure to file answers within the time agreed to by the parties was not substantially justified. There are no circumstances which make an award of expenses unjust . . . . It is, therefore, ordered that the Defendant shall recover the sum of $250.00 from the Plaintiff as reasonable attorneys' fees"—William F. Sanderson, Jr., U.S. Magistrate, N.D. Texas, penalizing Justice Department for Wilkinson's failure to respond to interrogatories in *U.S.* v. *Baylor*, March 11, 1983.

"[There were] thirty to forty instances where Reynolds and Wilkinson refused to enforce civil rights laws, mostly relating to the rights of the handicapped, because that was my area. But I also spoke to a good number of lawyers in the department and learned that it went on in other areas such as in suits involving sex and race discrimination as well."—Timothy Cook, Commonwealth (Virginia) Magazine, June 1984.

"He's made phone calls, visited Congressmen's offices, and done everything except take out billboards and airplanes with streamers."—Norfolk Virginian-Pilot, Nov. 15, 1983, describing Wilkinson's lobbying campaign.

"Jay told me time was of the essence. He knew the vote was the next day, or maybe that I had a day [to make the call]. Jay told me three days later that it had helped."—Black University of Virginia law student pressured by Wilkinson to call black ABA member before the critical ABA vote, Washington Post, May 27, 1984.

"I was concerned by what [ABA Investigator] Mr. Land had said about the report from my state. This prompted me to call Gene W. Lafitte, of New Orleans, on my own initiative."—Supreme Court Justice Lewis F. Powell, Jr., on his call to a member of the ABA Committee. March 12, 1984.

"I was personally concerned that it had apparently become known that the investigating committee members were not in agreement, and that vote was being taken. I took up that concern with the Justice Department . . . . In this particular case, it was the timing of the calls which was objectionable."—Frederick G. Buesser, Jr., Chairman, ABA Standing Committee on Federal Judiciary, letter to Senate Judiciary Committee, March 5, 1984.

"Former Deputy Attorney General Schmults said yesterday that he was the Justice official to whom Buesser complained. Schmults also acknowledged that he and [Assistant Attorney General Jonathan] Rose had made calls to several committee members, mentioning the fact that [ABA investigators] Howard and Lane were split on Wilkinson's qualifications for the bench. "I regretted that and I wrote that to Buesser,' Schmults said. 'How they [the two investigators] were leaning should be confidential.' "—Washington Post, March 15, 1984.

"Former Assistant Attorney General Jonathan Rose, one of the two senior Justice officials who, foes charge, helped in the lobbying for Wilkinson, last week said he did not recall doing so."—Washington Post, May 27, 1984.

"Mr. Schmults and Mr. Rose used poor judgment on behalf of a friend."—New York Times, April 1, 1984, quoting Frederick G. Buesser, Jr.

"Jay has tried to position himself for the Supreme Court. He felt that if he were in the right place at the right time, along with his connections to Justice Powell, he'd have a good shot at an appointment. By getting on the Fourth Circuit Court of Appeals, he'll have that shot."—Robert Smith, Editorial writer under Wilkinson at Norfolk Virginia-Pilot, Commonwealth (Virginia) Magazine, June 1984.

"Virginia's freshman Paul Trible has spoken for him but John W. Warner, some of whose own candidates were passed over in favor of Mr. Wilkinson, has been quiet."—Baltimore Sun, June 17, 1984.

Mr. THURMOND. Mr. President, I yield 5 minutes to the able Senator from North Carolina.

The PRESIDING OFFICER [Mr. SPECTER]. The Senator from North Carolina is recognized.

Mr. EAST. Mr. President, I wish to speak briefly on behalf of the nominee. With all due respect to the senior Senator from Massachusetts, when I hear him speak of this nominee and then when I read the RECORD, it occurs to me we are talking about two entirely different people. Let me briefly recite the credentials of this gentleman.

He was educated at Yale University, where he received his B.A. degree and graduated Phi Beta Kappa and summa

cum laude. He is a graduate of the University of Virginia Law School, one of the most prestigious law schools in the United States. He served on the board of visitors and as an editor on the Law Journal. He was admitted to the bar in the State of Virginia in 1972. He served as a law clerk of the U.S. Supreme Court Justice, the Honorable Lewis F. Powell, who said of him:

In my view re your inquiry from Senator KENNEDY and others and your proper interest in Mr. Wilkinson's qualifications, I can say with confidence that of the some 45 fine clerks I have had in my 12 years on the Court, J. Harvie Wilkinson III ranks among the best. He is an exceptionally gifted legal scholar and a compassionate and thoughtful human being. In my opinion, he is fully qualified to serve on the Court of Appeals.

He served at the University of Virginia Law School—again, I remind my colleagues, one of the most prestigious schools in the land, from which the senior Senator from Massachusetts, incidentally, graduated. He was assistant professor of law from 1973 to 1975, an associate professor from 1975 to 1978.

He served from 1982 to 1983 as Deputy Assistant Attorney General of the Civil Rights Division of the U.S. Department of Justice. So he has had practical legal experience.

Since 1983, he has been a full professor of law at the University of Virginia. Anyone from the academic community knows that the ability to achieve that kind of distinction shows a person of extraordinary intellectual and legal talent.

The ABA, in a letter to Senator THURMOND, chairman of the Judiciary Committee, has very carefully spelled out in a letter which the Senator from Massachusetts has seen, dated March 12, 1984:

There has been no undue influence. He has been voted substantially qualified.

It is noted that he is being appointed to an appellate judgeship, which puts an appropriate premium upon matters of teaching and academics, since actual trial work is not involved.

I have limited time in which to speak, Mr. President, but I think if Members of the Senate could read the very thoughtful letter from the American Bar Association and read the credentials that Mr. James Harvie Wilkinson has and the very eloquent statement made about him by the man on the U.S. Supreme Court under whom he clerked, one would have to come to the conclusion that the distinguished Senator from Massachusetts and I are talking about two entirely different men.

This is a man of first-rate academic credentials, of first-rate personal integrity. There is absolutely nothing in the record negative in quality or quantity or any other dimension. I submit it is a flawless nominee.

Mr. President, I am simply saying that this man, when you look at the record, is clearly highly qualified for the position for which he has been approved by the Judiciary Committee. I do ask my colleagues to invoke cloture and ultimately to vote for confirmation.

Mr. President, I thank the chairman of the Judiciary Committee.

Mr. THURMOND. I thank the able Senator from North Carolina.

Mr. President, a number of specific allegations relating to the Wilkinson nomination have been raised by several minority Senators. Most of these allegations involve actions of the Department of Justice and the American Bar Association.

Since the ABA had previously responded to similar questions, I contacted the Department of Justice for their assessment of these issues.

Based on this information, I have prepared a general discussion of each of the allegations. I will first state the allegation as presented by the minority, and then give my response.

ALLEGATION

Officials of the Justice Department obtained and improperly divulged the results of the confidential investigation to the nominee, informing him that the ABA Investigating Committee members were in disagreement, that a vote was about to be taken by the committee, and that his approval by the committee was in jeopardy.

RESPONSE

It is always important for the Department of Justice to maintain a close working relationship with the ABA Committee. Effective communication between the two is proper, necessary, and in the best interests of the Congress and the country. The relationship is not adversarial, but collaborative as they strive to assure that the judicial nominees submitted to the Senate are highly qualified. Often interim evaluations of judicial nominees are provided to the Justice Department by the ABA Committee. The Justice Department often discusses the ABA's concerns with the prospective nominee, who is the person most directly affected and most likely to possess relevant information. The decision of whether or not to divulge any information to the prospective nominee is made solely by the Justice Department, and thus this decision cannot reflect in any way on the prospective nominee. Such a discussion, which is neither unusual nor improper, is what occurred in this case.

ALLEGATION

The nominee used the information improperly obtained from Justice Department officials to organize an intensive lobbying campaign on his behalf to persuade the ABA Committee to rate him "Qualified."

RESPONSE

The nominee asked several persons who knew his personal and professional qualifications intimately to tender their views to the ABA Committee. The ABA acknowledges that:

It is not unusual for individuals with special information about a candidate under investigation to voluntarily supply this to the investigating committee members.

Indeed, the ABA stated that the committee members welcome this information as it can assist the committee in making an informed decision. Given this positive attitude, such communications can hardly be classified as improper. I am confident that the ABA Committee members, all of whom are competent and experienced lawyers, are capable of putting such unsolicited information in its proper perspective.

ALLEGATION

Officials of the Justice Department who were supporters of Wilkinson conducted their own lobbying campaign to secure enough votes for a rating of "Qualified" by the ABA Committee.

RESPONSE

Mr. Wilkinson had worked as a Deputy Assistant Attorney General for the Justice Department and his legal abilities were well-known and admired there. Justice Department officials were concerned that Mr. Wilkinson might be voted on by the ABA Committee without receiving their input. As late as 3 months after the ABA investigation had begun, no one at the Justice Department had been contacted by the ABA concerning Mr. Wilkinson's performance there. The Deputy Attorney General believed that a fair and complete evaluation could not be made without talking to those who had worked closely with Mr. Wilkinson at the Department. Of course, references from former employers and supervisors have a great bearing on the evaluation of a prospective judge. It is heartening to know that Department officials thought so highly of Mr. Wilkinson as to take the initiative of speaking to the ABA Committee on his behalf.

ALLEGATION

Supreme Court Justice Lewis F. Powell, Jr., was also part of the lobbying campaign. Wilkinson served in the 1970's as a law clerk to Powell, who had known the Wilkinson family well for many years. Powell had initially been contacted by the two ABA Committee investigators. The second investigator told Powell that the first investigator was compiling a negative report on Wilkinson. Powell then contacted a third member of the committee whom Powell knew, and lobbied for Wilkinson.

RESPONSE

The ABA Committee and sitting judges communicate regularly. In this

case, the opinions of Supreme Court Justices are particularly relevant. Mr. Wilkinson had clerked for Justice Powell. Justice Powell, therefore, was well acquainted with Mr. Wilkinson's temperament and his capacities as a lawyer. One call by Justice Powell, acting on his own, hardly constitutes a lobbying campaign; it was one small step to help prevent an injustice from being done. In this regard, let me quote a portion of a letter from Justice Powell regarding his conversations with members of the ABA Committee:

Mr. Lane, the committee member for District of Columbia, called me later (in November, I believe). As I recall, he stated he was calling me as a Virginian, and because of the negative report from Mr. Howard. I repeated the substance of what I had said to Mr. Howard. Also, responding to Mr. Lane's inquiry, I agreed that my name could be used. I wrote Mr. Howard informing him of Mr. Lane's call.

I was concerned by what Mr. Lane had said about the report from my state. This prompted me to call Gene W. Laffitte, of New Orleans, on my own initiative. Mr. Lafitte is a committee member and friend with whom I have been associated in the American College of Trial Lawyers. In a brief conversation with him, I told him of Mr. Lane's call, and repeated my view as to the qualifications of Mr. Wilkinson. I did not inquire where he stood, nor do I know how he voted.

I have had no other occasion to speak to members of the committee. It is, of course, not unusual for Federal judges to be asked their opinion as to the qualifications of persons under consideration for appointment to the Federal bench.

In view of your inquiry and your proper interest in Mr. Wilkinson's qualifications, I can say with confidence that of the some 45 fine clerks I have had in my 12 years on the Court, J. Harvie Wilkinson III, ranks among the best. He is an exceptionally gifted legal scholar, and a compassionate and thoughtful human being. In my opinion, he is fully qualified to serve on a court of appeals.

ALLEGATION

Key votes on the ABA Committee were changed because of the lobbying campaign and telephone calls directed by the nominee and others. The chairman of the committee stated that "it was the timing of these calls which was objectionable."

RESPONSE

In a letter to the Judiciary Committee, the ABA Committee Chairman said: "I'm convinced that such calls made on behalf of the candidate did not influence any votes in his favor. * * * It is important to know that in this case there was only one vote taken." In the absence of any other information from the ABA Committee about its decision, I know of no basis to allege that some telephone calls changed any votes in his favor. Rather, a "substantial majority" found Mr. Wilkinson to be qualified. That means that of the 14 total votes, there were as few as 4 and possibly only 1 in the negative. Thus, it is highly unlikely that calls made a real difference in the vote.

ALLEGATION

The ABA Committee was concerned enough about the lobbying campaign on Wilkinson, that it summoned Justice Department officials to the ABA midwinter meeting in Las Vegas in February 1984, to reprimand them.

RESPONSE

Representatives of the Justice Department responsible for the evaluation and selection of candidates for the Federal judiciary are invited to each meeting of the ABA Committee that evaluates the candidates. The ABA Committee meets twice a year in conjunction with the annual and midyear meetings of the ABA. Department of Justice representatives were invited to this meeting just as they have been invited to such meetings for the past several years. These meetings provide an opportunity for both the ABA Committee and the Department of Justice to discuss their continuing relationship as participants in the process of evaluating judicial candidates, and any concerns or complaints that either may have. The Justice Department informs me that as usual, four to six specific nominations were discussed in February between Department officials and ABA Committee members. The Wilkinson nomination was among these, but it was not the principal matter of discussion. In fact, discussions of Wilkinson were handled by the junior member of the Justice Department delegation.

Mr. President, I just want to remind Senators that Mr. Wilkinson graduated from Yale University. He was Phi Beta Kappa, magna cum laude, and scholar of the house with exceptional distinction. At the University of Virginia Law School, he was a member of the Order of the Coif and notes editor of the Law Review. He was law clerk to Supreme Court Justice Lewis Powell, Jr. He was the first student to serve on the governing body of a State institution in Virginia. He was a member of the board of visitors of the University of Virginia. He was editorial editor of the Norfolk Virginian-Pilot newpaper. He was Deputy Assistant Attorney General, Civil Rights Division, Department of Justice, and supervised 50 litigating attorneys. He is now a professor of law at the University of Virginia. I am informed that he was voted the best professor in the entire university—not just the university, but the entire institution.

The circuit bench is a bench for research and writing. Somebody has said, "Well, he has not had trial experience." This position requires research; it requires a scholar. It is a writing job.

Also, the Judiciary Committee approved the nomination by a vote of 11 to 5.

Mr. President, I should like to continue with some other allegations and responses.

ALLEGATION

Notwithstanding the ABA committee's written guidelines which recommended substantial trial experience and specify at least some trial experience as a minimum requirement for approval, the ABA committee found Wilkinson to be "qualified." The committee has never before given a "qualified" rating to such a nominee.

RESPONSE

In his letter to the Judiciary Committee, the ABA committee chairman made it clear that the committee's guidelines were followed in this case and in previous cases where the committee evaluated academics who had little or no trial experience. The guidelines state:

Without demeaning the scholarly qualities necessary for the trial courts, the committee nonetheless looks for an especially high degree of scholarship and academic talent in prospective nominees for the appellate courts. The abilities to write lucidly and persuasively, to harmonize a body of law and to give guidance to the trial courts in future cases are matters of great concern for the evaluation of prospective nominees for the appellate courts.

Recognizing that an appellate judge deals primarily with records, briefs, appellate advocates and colleagues (in contrast to witnesses, parties, jurors, live testimony and the theatre of the courtroom), the committee may place somewhat less emphasis on the importance of extensive trial experience as a qualification for the appellate courts.

Mr. President, I repeat. This is a research and writing position. It is well expressed here. The circuit courts are that nature of courts.

The ABA committee chairman stated in his letter to the Judiciary Committee:

It is apparent that all of the criteria set forth in the Standing Committee's brochure were taken into account by a substantial majority of the Committee in reaching the decision that Mr. Wilkinson was qualified . . . [W]e have reviewed recent nominees to the various courts of appeal whom we have found qualified or better who had very limited trial experience. At least four of these had teaching backgrounds and had demonstrated intellectual accomplishment and writing ability. I believe that the action of a substantial majority of the committee in finding Mr. Wilkinson qualified was entirely consistent with our action in the cases of the academics referred to above.

It is true that most academics have had some trial experience, usually early in their careers. However, in the last 5 years, a half dozen individuals completely lacking in trial experience have been appointed to the courts of appeals. President Carter appointed Dorothy Nelson to the ninth circuit, Carolyn Randall to the fifth circuit, and Stephen Breyer to the first curcuit although none of them, according to their personal data questionnaire filed with the Department of Justice,

had conducted even one trial. Similarly, President Reagan has appointed three circuit judges completely lacking in trial experience: Ralph Winter of the second circuit, Richard Posner of the seventh circuit, and Pauline Newman of the Federal circuit.

Mr. President, this is a writing job; it is not a trial court job.

The ABA has acted consistently in the case of all six circuit judges and Mr. Wilkinson, rating each of them "qualified." It has been the ABA's position that while trial experience is essential in a candidate for the district court, it is not required for an appellate court. However, without substantial trial experience, a candidate for an appellate court can be rated no higher than "qualified." Thus, this rating has been given not only to Mr. Wilkinson, but to all six of the other recent circuit court nominees who had not conducted a trial.

On a related matter, I note that it has been alleged that the ABA committee has been more strict in evaluating women without trial experience. Only two examples were given; one was considered for the district court, for which all agree substantial trial experience is required. The other was for the court of appeals, and although the Carter adminstration nominated a number of people that did not have qualified ratings, they declined to nominate this individual. The reason, though not completely clear, was not just due to a lack of trial experience and a negative ABA rating, but also because of opposition from a number of other sources. I beleve that this allegation of bias on the part of the ABA committee is unfounded, considering that for much of the time the committee chairman was a woman. Further, this allegation is disproved by the fact that three of the six circuit court nominees without trial experience found "qualified" by the ABA and confirmed by the Senate over the last 5 years are women. This should dispel the concern that the ABA has treated women less favorably than men with equivalent backgrounds.

ALLEGATION

Other academics nominated for Federal appellate judgeships and found "qualified" by the ABA committee in fact had far more distinguished academic credentials than Wilkinson, far more years at the bar, and at least limited trial experience.

RESPONSE

Mr. Wilkinson's background places him well within the range of qualifications of academics appointed to the circuit courts of appeals during the last 5 years. It is true that President Reagan has appointed some of the very top law professors in the country to these courts, such as Judges Bork, Scalia, and Posner. However, during the last year of the Carter/Mondale administration, at least three academics with credentials lesser than or equivalent to those of Mr. Wilkinson were appointed to these courts.

Mr. President, the careers of these people speak for themselves.

I might say again that this is not a trial court; this is a court for research and writing.

Mr. President, with this amazing number of similarities between these people it is hard to understand why objection would be made here.

By any standard, Mr. Wilkinson's credentials are impressive. Mr. Wilkinson's books and law review articles have been well reviewed in many popular and legal periodicals. They have been used as textbooks in universities across this country and have been relied upon by the courts. As the ABA committee indicated:

> Mr. Wilkinson's extensive writings were furnished to the committee and show him to be an unusually able writer and legal scholar with the apparent capacity to become an outstanding appellate judge. A number of law professors were among those whose views were solicited with respect to this nomination, and they were uniformly of the view that his legal scholarship was of a very high order.

Mr. Wilkinson is an outstanding teacher at a prominent, nationally recognized law school. Each of the courses he teaches—Federal courts, constitutional law, and criminal procedure—is directly relevant to the questions he will face on the bench. The dean of the Virginia Law School has acknowledged that students berate us when we move him into a smaller classroom. His leaving would be a major loss for us. In recognition of his teaching abilities, Mr. Wilkinson in 1975 was presented the first Outstanding Young Teacher Award for the entire university.

Justice Powell has called him among the very finest of his 45 clerks. The ABA committee noted that other members of the Supreme Court were "uniformly enthusiastic" about Mr. Wilkinson's abilities.

Even before that, Mr. Wilkinson acquired a breadth of experience unusual in a young lawyer. He was the first student ever to serve on the governing board of the University of Virginia. Also, he ran for Congress in 1970 in the Third District of Virginia. As I previously stated, Mr. Wilkinson's academic record is impeccable. He graduated Phi Beta Kappa, Magna Cum Laude, and Scholar of the House with Exceptional Distinction from Yale in 1967. At Virginia Law School he was notes editor of the Law Review and graduated Order of the Coif.

Mr. Wilkinson served as Deputy Assistant Attorney General in the Civil Rights Division of the Department of Justice, 1982-83. His responsibilities were the General Litigation and Special Litigation sections where he supervised 50 litigating attorneys, directed settlement efforts and reviewed motions, pleadings, briefs, and correspondence on a daily basis.

It appears that, by any standard, Mr. Wilkinson is qualified to sit on the fourth circuit court of appeals.

ALLEGATION

In addition to his improper activities during his confirmation process, Wilkinson particpated in interviewing at least one candidate for the fourth circuit vacancy he has been nominated to fill, after he expressed interest in being nominated to fill that vacancy.

RESPONSE

At the request of the Office of Legal Policy [OLP] in the Department of Justice, Mr. Wilkinson was one of several Department employees who met informally with one candidate. At the time, Mr. Wilkinson, both in his own view and that of OLP, simply was not in the running for the judgeship. The Attorney General had stated his strong preference for his counselor, Kenneth Starr, who ended up being appointed to the D.C. circuit, and Mr. Wilkinson was not among those put forward at that time. The Department, nevertheless, pursued its longstanding effort to search for qualified women and minorities for this and all judicial positions, which is why one particular woman lawyer was invited by OLP to visit the Department. Only much later, after Mr. Starr was nominated for the DC circuit, was Mr. Wilkinson actively considered for the fourth circuit vacancy.

Mr. President, I believe the foregoing clearly shows that the allegations against Mr. Wilkinson are lacking in merit. As I have previously stated, the Judiciary Committee made a complete and thorough evaluation of Mr. Wilkinson's qualifications. The ABA conducted a similar investigation, and there is no evidence to indicate that their guidelines were in any way altered.

Both the Judiciary Committee and the ABA have found Mr. Wilkinson to be qualified for the position of circuit court judge and I hope my colleagues will see fit to confirm him.

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

Mr. KENNEDY. Mr. President, how much time do I have?

The PRESIDING OFFICER. Sixteen minutes and fifty-one seconds.

Mr. KENNEDY. Mr. President, I yield myself 5 minutes.

Mr. President, I have listened with a good deal of interest to the presentation by the Senators from Virginia, North Carolina, and South Carolina, concerning the adequacy of the qualifications of this nominee.

If the nominee's qualifications are so persuasive and so numerous, why did the initial investigator from the American Bar Association from the home State of Mr. Wilkinson find the nominee to be unqualified?

I think it would have been of some value and some use to the Senate Judiciary Committee and to the Senate as a whole if we had had the opportunity, as members of the Judiciary Committee who are charged under the Constitution to advise and give consent on nominations, to question that member of the American Bar Association who did a thorough, unbiased review of the qualifications that these good Senators say are in such abundance in this nominee and found him to be unqualified. Why?

I dare suggest that part of the reason, at least, is that Mr. Wilkinson is the least qualified nominee ever to be appointed to the Court of Appeals. We will not know the full story because the Judiciary Committee would not hold an additional hearing—the Judiciary Committee stonewalled the objections of members of the committee who wanted to get an answer to the question, of why the initial ABA investigation found the nominee to be unqualified.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. KENNEDY. I will not yield at this time. The only conclusion that we can reach, Mr. President, is that the nominee was found unqualified because the nominee has had how much trial court experience? Answer: None. How much circuit court experience? The answer: none. The question is, how many clients did this individual nominee have? The answer is none.

Now, you can talk about what a wonderful writer he is; at least one of the proponents suggested that to be the criterion. But the fact of the matter is there was a debate in the ABA about the qualifications of this nominee, just as there was a debate in the ABA about the qualifications of Mr. Breyer, except the issue, Mr. President, was quite a bit different. The issue with regard to Mr. Wilkinson was whether the second review made by another ABA member was going to overturn the previous decision of unqualified. Was the ABA decision going to find Mr. Wilkinson qualified or unqualified? That was the debate.

The debate with Mr. Breyer was whether the ABA was going to find Mr. Breyer well-qualified or qualified with a substantial minority of the members of the bar association believing that he was well-qualified.

I ask unanimous consent that the comparison between Mr. Wilkinson and Mr. Breyer be printed in the RECORD at this point.

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

COMPARISON OF STEPHEN BREYER AND J. HOWIE WILKINSON III

It is true that a number of law professors with limited trial experience have been appointed to the Federal appellate courts in recent years. But each of them clearly met at least the minimum standards of the ABA on trial experience. There is no comparison between Wilkinson's zero experience and the obvious qualifications of other academics who had at least limited—and often substantial—trial experience and who have been approved by the ABA for appellate judgeships.

In the case of Professor Stephen Breyer, for example, who was nominated by President Carter to the first circuit court of appeals in 1980, the nominee so clearly met the experience standard that the issue for the ABA evaluation committee was whether to give Breyer the minimum rating of "Qualified" or to give him the higher rating of "Well Qualified." He received a rating of "Qualified," but in its letter of approval, the ABA committee informed the Senate:

"As a result of our investigation, a majority of our committee is of the opinion that Stephen G. Breyer is qualified for this appointment. A substantial minority found him well qualified."

By contrast, in the case of Wilkinson, the initial ABA evaluation found him "Unqualified." A "Qualified" rating was achieved only after the confidential results of the negative evaluation were leaked to Wilkinson, who then orchestrated an intensive and unprecedented lobbying campaign against the members of the ABA committee before they cast their votes. Subsequently, the committee informed the Senate:

"A substantial majority of our committee is of the opinion that Mr. Wilkinson is qualified for this appointment. The minority found him to be not qualified."

At the time he was nominated, Breyer had written numerous appellate court briefs; he had presented the oral argument personally in at least one case in a court of appeals; he had interviewed witnesses, questioned potential defendants, and prepared criminal grand jury and trial materials as assistant special prosecutor in the Watergate special prosecution force; he had participated, including testifying as an expert witness, in administrative hearings; he had served as chief counsel of the Senate Judiciary Committee and conducted major sets of Senate hearings; he had represented numerous private clients, including a major steel company seeking to merge with a failing steel firm, a chain of supermarkets trying to cut their prices, tenants organizations challenging rent control regulations, and a grocery chain seeking to sell milk; he had prepared briefs and trial materials for the law firms of Wilmer, Cutler & Pickering in Washington; Brown, Rudnick, Freed & Gesmer in Boston; and Cahill, Gordon in New York City; and he had taught courses in the law of evidence and in administrative law at Harvard Law School.

Wilkinson has nothing comparable in his background—no trial court experience, no appellate court experience, no administrative law experience, no associations with law firms, no trial-related courses in his teaching. His experience is zero—and as the article in Commonwealth makes clear, his lack of experience was a continuing series of embarrassments in the year he spent in the Department of Justice attempting to supervise practicing attorneys.

Mr. KENNEDY. Mr. President, those that support Mr. Wilkinson say that there is an article written in Commonwealth magazine by some disappointed attorneys that question Mr. Wilkinson's qualifications. Well, what has not been addressed here, Mr. President, are the various fines that were made against the Justice Department because of the incompetence of Mr. Wilkinson in certain cases, including one in Federal district court in Texas.

I have not heard that allegation and charge responded to here this afternoon. It might have been of some value for the Judiciary Committee to consider that particular allegation and charge, just as it might have been of some value for the Judiciary Committee to consider the rebuke that was given to Mr. Wilkinson by the court for the Justice Department's failure to respond to a motion for summary judgment in the same case in Texas.

These particular allegations and charges are a matter of record and were reported in the June 1984 Commonwealth magazine, and have not been addressed by those that support this nomination. It might be of some value to the Members of this body to be able to review and hear what might be said by Mr. Wilkinson and by Justice Department officials, and by the magistrate who determined that there would be such a charge and such a fine.

Mr. President, there also was an improper lobbying campaign involving this nominee. All of us are aware that communications are made between Department of Justice officials and the ABA, and rightfully so, in order to determine the adequacy and the competency and the knowledge of an individual nominee. But that is not what the American Bar Association was talking about in this case. Read the letter from ABA Committee Chairman Buesser that has been referred to by those that support Mr. Wilkinson. Mr. Buesser is talking about inappropriate calls that were made. And what is he suggesting by that?

The facts are, Mr. President, that this nominee was going to be found unqualified. The facts are that this nominee was able to obtain that information and within a 24- or 36-hour period was able to reverse that particular decision by a series of calls and by lobbying from numerous individuals ranging from a Member of the Supreme Court down to a student member at the University of Virginia Law School who was reported to have said:

> Jay told me time was of the essence. He knew the vote was the next day or maybe that I had a day to make the call. Jay told me 3 days later that it had helped.

That is a black University of Virginia law student that was asked to call a minority member of the American Bar Association in behalf of this particular nominee.

I think it would have been of some value, Mr. President, for the Judiciary Committee of this Senate to be able to get answers from the individuals in-

volved concerning these allegations and charges. The Members of this body will not know, Mr. President, about these particular allegations and charges which have been made. And it seems to me that we do a disservice to this body by not being able to respond to the Members of this body on the question of the qualifications of J. Harvie Wilkinson III.

I think we are entitled to a hearing. That is what we have asked for. We are entitled to a hearing where these issues and these questions would be raised. We are entitled to be able to come back to the U.S. Senate and give a full, candid, and fair response. I think Mr. Wilkinson is entitled to that fairness and that consideration by the Judiciary Committee. But he will not be given that kind of consideration if we are required to cut off and terminate debate, discussion, or further hearings with a cloture vote, if it is successful, and I hope that it will not be.

Mr. President, how much time do I have?

The PRESIDING OFFICER. Eight minutes and ten seconds.

Mr. KENNEDY. Mr. President, I am glad to yield for 1 minute for a question by the chairman of the committee, then I would like to yield such time as remains to the Senator from Maine.

Mr. THURMOND addressed the Chair.

Mr. KENNEDY. This is on my time. I am glad to yield a minute to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the distinguished Senator spoke about Mr. Breyer, who was Chief Counsel to the Judiciary Committee. I supported Mr. Breyer. I thought he was qualified. According to his own record, I believe he had not had trial experience, but he was an able man and an able lawyer, and I think he has done well on the bench.

His qualifications were just almost identical with this man. This man, in addition, has served in the Justice Department and has been a law teacher.

So I wanted to make clear that I was strongly in favor of this man. We held two hearings and not a single Democrat attended.

Mr. KENNEDY. I yielded 1 minute.

The PRESIDING OFFICER. The 1 minute has expired.

Mr. THURMOND. Well, I was just going to——

Mr. KENNEDY. I yield another 30 seconds to my good friend, my colleague, my chairman of the committee.

Mr. THURMOND. What does the Senator want?

Mr. KENNEDY. This Senator wants—not only this Senator, but it is a feeling by Senators for the chairman's own side, by Republican Members alike—although they can speak for themselves—an additional day of hearings where we would request the presence of those that were involved in the lobbying activity by the Justice Department. We would have the members of the American Bar Association Committee on the Federal Judiciary. We would invite Justice Powell. I would hope that we would have the opportunity to inquire of the student, as well. We would want those individuals to be able to clear up the particular issues which we have raised here.

I do not think it would be difficult, quite frankly, Mr. President, to work out a series of witnesses that would be able to respond to these questions. I know the Senator from Pennsylvania and the Senator from Maryland have thought about who those individuals might be. But I think that we are entitled to that procedure.

Mr. THURMOND. Mr. President, I just want to say that we did hold two hearings. The nomination first came on November 10, 1983, and it finally reported out, I believe, on March 15, 1984. I do not object to another day if we can get a definite time to vote. That is what I want, just to let the Senate vote.

What I want is just to let the Senate vote. I am willing now, if it will satisfy the Senator, to give another day of hearings, if he will give a definite agreement to vote at a certain time.

Mr. KENNEDY. The usual procedure, when this body considers various nominees, whether they are nominees for the Cabinet or for the Judiciary, is that we have a hearing and then we make the decision about the time to vote. I do not see any reason why we should not follow that practice and procedure this time. If that is agreeable to the Senator from South Carolina, I would hope that we would proceed in that particular way. I have to withhold the remainder of my time and yield it to the Senator from Maine.

Mr. President, we ask unanimous consent to have an additional 5 minutes to be equally divided.

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

Mr. KENNEDY. So the Senator has an additional 2½ minutes and I have an additional 2½ minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. THURMOND. All we want to do is to let the Senate vote. If the Senator from Massachusetts will agree to a time certain, I will hold the hearing to accommodate him, if he will agree to let the Senate vote on the matter. Not to let the Senate vote on it is an unfair course to pursue. I am willing, if the Senator will let the Senate vote after a day of hearing. We will agree to that.

Mr. KENNEDY. I do not remember when we had, for example, the nominees for the Cabinet, that we were saying that we would vote at a definate time for Mr. Haig and then go ahead and have a hearing, and that we would have an agreement to vote at a time certain for Mr. Watt and then have a hearing. This, obviously, is of concern because it is a lifetime appointment.

I would certainly agree that we should go ahead and have the day of hearings. I believe if these issues were resolved in the course of a hearing, I cannot see how there would be reason to have any further deliberative or prolonged debate or discussion.

Mr. THURMOND. The Senator may remember that he mentioned he would give a definite date for a vote if we would have the hearing.

Mr. KENNEDY. If the chairman of the committee wants to indicate at this time that he will call 1 additional day of hearing, with the witness list to be satisfactory to the interested Members of his own party and interested Members on this side, that there would not be an interruption in that 1 day of hearings, and that the nomination would be reported back to the calendar for whatever decision we would make, I would agree with it and go along with it. If that is what the Senator's suggestion is to me, I will support it. Otherwise, I would have objection to it.

My remaining time I yield to the Senator from Maine.

Mr. THURMOND. If the Senator will allow me to answer, I do not think any further hearings are necessary, but I would give 1 additional day of hearing and let the Senator invite anyone he wants to have come on that date, to give them a whole day. After the hearings, all I want is to let the Senate vote on this nomination, to either vote it up or down. Is that fair?

Mr. KENNEDY. I think I have responded. I think what we ought to do is to have the hearing and then make the judgment.

Can the Senator give us any other instance in his long and illustrious career as a member of the Judiciary Committee where we have agreed on voting at a time certain for a judicial nominee prior to the time that we have the hearing?

Mr. THURMOND. We have a number of times indicated we would vote at a certain time.

Mr. KENNEDY. I do not want to be discourteous to the chairman of the committee but our time is running out. The Senator from Maine is here and wants to speak.

The PRESIDING OFFICER. The Senator from South Carolina has 1 minute and 32 seconds remaining. The Senator from Massachusetts has 5 minutes and 4 seconds.

Mr. TRIBLE. Mr. President, I support the nomination of James Harvie Wilkinson III to be U.S. circuit judge

for the fourth circuit, I urge my colleagues to invoke cloture, to bring this long debate to a close, and let the Senate work its will.

Mr. President, the points raised in opposition to Mr. Wilkinson are threefold.

First, the opponents have suggested that there was a lobbying effort on his behalf, that Justice Powell and others talked to members of the ABA and recommended Mr. Wilkinson for the fourth circuit court of appeals. Indeed they did. It is quite appropriate for those people who know the qualifications and limitations of a candidate to share their view. That kind of input is welcomed by the ABA, and specifically was welcomed here. The chairman of the ABA committee has said: "Yes, we received that input. We welcome that kind of advice and counsel. It did not influence the final result, but was considered with all the other information at our disposal."

Second, the opponents of this nomination suggest that Mr. Wilkinson is not qualified by virtue of the fact that he has had neither trial nor judicial experience. That would be a substantial impediment if he were being considered for selection as a trial judge. But here we are considering a man for the court of appeals. Mr. Wilkinson's obvious qualities and the experience he possesses more than adequately prepare him. Many others without trial or judicial experience have been confirmed by this body and have gone on to serve superbly in the court of appeals.

Indeed, it was not many years ago that the Senate confirmed the nomination of Stephen Breyer. The careers of Breyer and Wilkinson are so strikingly similar that very little separates them. Neither had trial or judicial experience. Yet, that was not a problem when the Senate considered Mr. Breyer's nomination to the court of appeals. Senator KENNEDY, then chairman of the Judiciary Committee vigorously supported his chief counsel. But now he opposes Mr. Wilkinson.

The only difference between these two men—young, talented, full of promise—is that one is a liberal and the other conservative. J. Harvie Wilkinson is a conservative. He reflects the philosophy of this President and the Commonwealth of Virginia, and Mr. KENNEDY opposes him on those grounds. Let the record be clear on this.

Finally, we have heard allegations about the competence of J. Harvie Wilkinson at the Justice Department. The source of those allegations was an article in the Commonwealth magazine, which contains allegations of three disgruntled attorneys, one of whom resigned in protest to the Department policies and two of whom resigned rather than face disciplinary action.

Who is to be believed, I ask my colleagues. Malcontents or the innumerable top officials of the Department of Justice whose confidence Mr. Wilkinson won through the give and take of his service in a high post in the Justice Department.

The time has come for us to voice approval or disapproval of this nomination on the merits. This nomination has been discussed extensively in committee and on the floor.

It is time to vote. It is time for the Senate to speak. Those who question Mr. Wilkinson's qualifications have had ample time to make their case. The Senate is perfectly capable of judging this matter on its merits, and should do so.

Charges of obstructionism which have been made against the chairman are without foundation. If there is obstructionism, I say it is by those who refuse to let the Senate work its will. The time has come for the Senate to judge whether or not this man should serve, and that is all I ask.

Reasonable men may differ on the merits of this proposition, but reasonable men should not disagree that there comes a time when a debate should be brought to a close and the Senate should speak. To block the process, to delay this matter further, to refuse to let the Senate speak, deals unfairly with this institution.

Let us reach the question that we have debated for months. I believe that Mr. Wilkinson is superbly qualified and will be a jurist of great distinction. I believe that a majority of my colleagues share that view, and it is for that reason that the opponents of this nomination have decided to take the procedural tack to obstruct and deny the will of a majority of the Members of the Senate. Nothing is accomplished by postponing this vote further.

I urge my colleagues to vote for cloture and to let the Senate work its will on this nomination.

I yield back the remainder of my time.

Mr. DENTON. Mr. President, once again I rise in strong support of the nomination of J. Harvie Wilkinson III, of Virginia, to be a judge of the Fourth Circuit Court of Appeals. Mr. Wilkinson is highly qualified by his background and experience for a position on the appellate court. He possesses a rare combination of extraordinary intellect and practical experience which will enable him to serve with great distinction on the Federal bench.

Let us examine Mr. Wilkinson's background and experience. Mr. Wilkinson is a 1967 Phi Beta Kappa, Magna Cum Laude, graduate of Yale University. He was the notes editor of the Law Review at the prestigious University of Virginia Law School, from which he graduated Order of the Coif in 1972.

He served as a law clerk for the Honorable Lewis F. Powell, Justice of the U.S. Supreme Court, for 1½ years. I note that Justice Powell has called Mr. Wilkinson one of the very finest of his 45 law clerks. He has taught courses in Federal courts, criminal procedure and constitutional law in one of the foremost law schools in the country, the University of Virginia. At UVA, Mr. Wilkinson was one of the most popular professors on campus and earned the respect of liberals and conservatives alike for his scholarship. In fact, he won the award for the outstanding teacher in the entire university.

Mr. Wilkinson has run the editorial page of the Norfolk Virginian-Pilot, one of the largest metropolitan daily newspaper in Virginia. He has served with distinction as Deputy Assistant Attorney General in the Civil Rights Division of the Justice Department. While at the Justice Department, he was responsible for the supervision of more than 50 litigators and many complex cases.

Mr. Wilkinson is a scholar of national reputation, whose works have been used by courts and academicians alike. He has authored three books, "Harry Byrd and Changing Face of Virginia Politics;" "Serving Justice: A Supreme Court Clerk's View;" and "From Brown to Bakke: The Supreme Court and School Integration," the latter book being well received by the civil rights community. He has also written a number of law review articles.

In light of Mr. Wilkinson's scholarship and wide-ranging employment background, he is without question eminently qualified. Yet despite Mr. Wilkinson's distinguished background, and despite the fact that the ABA found him to be qualified, there are those who question his qualifications.

In questioning Mr. Wilkinson's background certain misinformation has been offered. At this point I would like to take the opportunity to correct the record.

First, Mr. Wilkinson was admitted to the bar of the Commonwealth of Virginia on February 1, 1972, and has therefore been a member of a bar for 12 years not 11 years as has been stated.

Second, Mr. Wilkinson is a full professor at the University of Virginia Law School, not an associate professor as has been stated.

Third, Mr. Wilkinson is indeed eligible for admission to the bar of the Fourth Circuit Court of Appeals as well as the district courts for the eastern and western districts of Virginia. The rules governing admission to such courts indicate that the only prerequisite is the membership in a State bar. As previously noted Mr. Wilkinson has been a member of the bar of the Commonwealth of Virginia since February 1, 1972.

There are other areas of misinformation which have been so ably addressed by my distinguished colleague from Virginia, Mr. TRIBLE, that I will take no additional time to cover such areas.

Mr. President, in my opinion Mr. Wilkinson is eminently qualified for the position to which he has been nominated. I will therefore vote in favor of the nomination, and I urge my colleagues to do the same.

I would also urge my colleagues to vote for closure.

Thank you, Mr. President.

Mrs. HAWKINS. Mr. President, I would like to express my strong support for the nomination of J. Harvie Wilkinson III to fill a vacancy on the Fourth U.S. Circuit Court of Appeals.

Mr. Wilkinson is a nationally respected legal scholar. He has written three books and a large number of law review articles. Those writings have been well reviewed in popular and legal periodicals. They have been used as textbooks in universities across this country. They have been relied upon by courts.

As the ABA Committee indicated, his skills are excellent:

> Mr. Wilkinson's extensive writings were furnished to the Committee and show him to be an unusually able writer and legal scholar with the apparent capacity to become an outstanding appellate judge. A number of law professors were among those whose views were solicited with respect to this nomination, and they were uniformly of the view that his legal scholarship was of a very high order.

Mr. Wilkinson is an outstanding teacher at a prominent, nationally recognized law school. Each of the courses he teaches—Federal courts, constitutional law, and criminal procedure—is directly relevant to the questions he will face on the bench. The dean of the Virginia Law School has acknowledged that "students berate us when we move him into a smaller classroom. His leaving would be a major loss for us."

In recognition of his teaching abilities, Mr. Wilkinson in 1975 was presented the first Outstanding Young Teacher award for the entire university.

He distinguished himself on a very fast track—the Supreme Court clerkship. Justice Powell has called him among the very finest of his 45 clerks. The ABA Committee noted that the investigating committee also sought the views of members of the Supreme Court other than Justice Powell. It reported that the Justices contacted were uniformly enthusiastic about Mr. Wilkinson's abilities.

I am confident that Mr. Wilkinson, a Phi Beta Kappa, Magna Cum Laude, scholar of the House with Exceptional Distinction from Yale in 1967, will be a major contributor to the Federal Bench.

Mr. METZENBAUM. Mr. President, I oppose the attempt to cut off debate on the nomination of J. Harvie Wilkinson III, to the court of appeals. As I stated back in May when we sought to reopen hearings on this nomination, I believe that the Senate would do a disservice to its constitutional obligation to advise and consent if it were to approve this nomination at this time.

Mr. President, less than 2 weeks ago most Americans had an opportunity to see and listen for the first time to the remarks of the woman I hope will be our next Vice President, GERALDINE FERRARO. Congresswoman FERRARO spoke eloquently about the American values of fairness and equality, and how Americans believe in playing by the rules. She catalogued a number of major policy decisions by this administration which demonstrate a lack of concern about fairness. This nomination could easily have been added to her list.

Americans do believe in going by the rules. If the rules need to be changed, so be it, but they should be done openly, after due consideration, exceptions should not be made to the rules based on a person's political connections.

But in this case, the rules were bent and the evaluation of Mr. Wilkinson by the American Bar Association was tarnished by heavy-handed lobbying by Mr. Wilkinson and his cronies.

The rules say that the ABA's recommendation to this body will be decided in a confidential proceeding. Yet in this case unfavorable evaluations of Mr. Wilkinson were leaked, and the Republicans refuse to investigate.

The rules say that the ABA will use established criteria and apply them to all applicants. But these rules say that nominees must have substantial experience and have been an attorney for at least 12 years. Of course, where women or minority candidates have been submitted, the ABA has adhered to this requirement, finding bright, able nominees to be unqualified on the basis of their youth and relative inexperience. But in this case, the ABA has inexplicably found a nominee qualified even though he has been a member of the bar for barely 12 years, 3 of which were spent in the decidedly unlegal, unjudicial role as a writer of political editorials. And although a requirement of significant trial experience has been waived in exceptional circumstances, this nominee has no trial experience and no appellate litigation experience.

The rules say that applicants should be treated equally, and that affirmative action, if any, should be extended to those victimized by discrimination. Here the administration, whose record of appointment of women and minorities to the Federal courts is abysmal, practices its own unique form of affirmative action in favor of the well-qualified.

One of the most basic rules which all Americans aspire to is the golden rule: Do unto others as you would have them do unto you. When Mr. Wilkinson was writing his editorial—while gaining credit from the ABA for legal experience—he opposed President Carter's nomination of a black State court judge for a Federal district judgship. The nominee's demerits notably included his lack of support from Senator Harry F. Byrd and the Virginia political establishment. What did Mr. Wilkinson say? He wrote that "it is never too soon to begin stressing merit over connections." Today Senators should stress merit and oppose this nomination.

Mr. President, the issue here is not partisanship or judicial philosophy. I am sure there are a number of residents of the Commonwealth of Virginia who are Republicans with a judicial philosophy similar to the President's, but whose background and experience would qualify them under the rules. Indeed, this Senator has voted to confirm many qualified judicial nominees with whom I have little in common as a matter of politics or judicial philosophy. No, the issue is one of fairness. And once again, this administration sides with its comfortable, established cronies, instead of applying the common rules of equity and fair play demanded by the American people.

I hope that my colleagues will not insist on immediate approval of this nomination.

Mr. MITCHELL. Mr. President, the confirmation of Federal judges is one of the Senate's most important responsibilities and one of our most long-lived decisions.

When we confirm an individual to the Federal bench it is for life. In so doing, we do more than merely ratify the selection made by an individual Senator or the President. We express a collective judgment about the integrity of our judicial system and the respect in which it should be held and in which we hold it.

Our system of law and justice can only be as good as the individuals who carry it out in practice, from the policemen on the beat to the highest court in the land. If the qualifications of those people for their respective roles in our system are inadequate we will end up with an inadequate system of justice.

The nomination before us today does not meet the standard of excellence that we expect and that we have a right to demand of our Federal judiciary.

Mr. Wilkinson had been admitted to the Virginia bar for less than 12 years at the time of his appointment. Subsequently, he chose not to devote his career to the law full time.

In a dozen years he has therefore accumulated just 8 years of law-related experience; 6 as an associate professor of law, 1 in clerking for Justice Powell on the Supreme Court, and 1 in the Civil Rights Division of the Justice Department. He has never tried a case in court. He has just once filed a motion in court. He has never written a legal brief.

Mr. Wilkinson is not eligible to practice before the Court to which he has been nominated—the appeals court. He is not even eligible to practice before any of the district courts whose judgments the appeals court reviews.

As a result, his nomination has been controversial.

There is serious concern—and there are grounds for serious concern—that the nominee's lack of practical experience in the practice of law, combined with the nature of appeals court proceedings, where oral argument is generally limited to 30 minutes, would leave him unable to understand the framework within which cases are developed and tried.

The reliance in appeals court work on written briefs does, as the ABA standards attest, reduce the need for extensive practical experience. But it does not eliminate it.

The opposite is, to some extent true. Appeals court judges, who neither see nor hear the witnesses or defendants first hand, must rely on transcripts and written argument.

Such an atmosphere is conducive to the reasoned judgments we expect of our appeals courts. But it is also conducive to overly abstract and rigid applications of law.

We have heard in the Senate in recent years a great deal of concern expressed about jurists whose overly nice interpretations of certain points of law have impeded the swift progress of justice.

As a former Federal judge with experience of the kind of court overload that certain decisions make inevitable—such as habeas petitions, for instance—I sympathize with that concern.

The fact is that an overly theoretical application of law, regardless of the point of view from which it stems, often has the potential to create impediments to the work of justice, court overload, and even outright injustice.

That is why the ABA standards for both appellate and district judges include the requirement of at least some practical trial experience. It is one of the ways that we guard against a proliferation of empty abstractions in our system of law. The kind of minimal qualifications for appointees to district and appellate judgeships that are embodied in the ABA standards cannot be lightly disregarded.

Practical courtroom experience does not take the place of legal scholarship. But neither can legal scholarship substitute entirely for practical courtroom experience. In this case, however, we are being asked to conclude that the nominee's legal scholarship and temperament are a full substitute for the total lack of any practical legal experience.

Other opponents of this nomination have claimed that women or members of minority groups with similar shortcomings in experience would never have been nominated, or, alternatively, that other individuals with a lesser degree of courtroom experience have been appointed in the past.

But such comparisons are not the basis on which I believe we should make a judgment about this individual or, indeed, any individual.

For any given nomination that comes before the Senate, there are unquestionably alternative nominees who might have been as well or even better qualified.

But we do not judge nominees against alternative nominees who are not before us. Nor do we judge nominees against impossible ideals of perfection and reject those who fall short; because if we did, all would be rejected.

We must deal with the nominee before us, not any other, and we must deal with him on the basis of our knowledge of his fitness for the post.

In that regard, and based on our current knowledge of the nominee and the questions that have arisen since the hearings on his nomination concluded, I do not believe this nomination should be confirmed.

Mr. Wilkinson's efforts to engage others to lobby for his nomination, and his efforts on his own behalf in actively lobbying to assure a favorable recommendation from the American Bar Association, raise profound questions as to his temperament and suitability.

The role of an appellate judge is not a political award for which some partisans should be appeased and others rewarded. The role of an appellate judge is central to the development of constitutional law in our Nation, and shapes the future conditions under which our systems of law grows to take account of changing social conditions.

It is not necessary to believe that all Federal judges are above partisan political concerns—for they are not and need not be—to recognize that the nature of a judgeship nomination is not analagous to appointment to an advisory commission, for which one might with seemliness lobby. It is not a question of condemning the judgment that leads to such lobbying, but rather, a question of whether such an approach is in accord with the qualities that we expect of our judicial nominees. The press reports that Mr. Wilkinson obtained details of the confidential investigation of his qualifications, and that he used that information in helping to rally support for himself are, if true, extremely troubling. A prospective judge should know that divulging confidential information is unethical, even where it may not be strictly illegal.

A judge does not have the luxury of preferring extremes. A judge is constrained by the law and by the facts of the case.

In all too many cases in the real world, extremes of good and evil or right and wrong are not at stake. Indeed, if there is one thing more clear than any other, it is that serious disputes rarely involve but one principle. Justice Frankfurter expressed that fact succintly after 15 years on the Supreme Court, when he said:

> The core of the difficulty is that there is hardly a question of any real difficulty before the Court that does not entail more than one so-called principle. Anybody can decide a question if only a single principle is in controversy.

The nominee's reported actions in his anxiety to assure a favorable report on his qualifications tend to substantiate the impression that his judgment may be in danger of being overcome by his desire to achieve his goals. If that is true—and another hearing would have been a way to help resolve that question—I would be forced to question the suitability of his temperament to this post.

In addition, I am concerned by the record of Mr. Wilkinson's year of service at the Justice Department. As the deputy to the head of the Civil Rights Division, Mr. Wilkinson very correctly sought to emphasize the administration's preferred antidiscrimination methods.

In remedying job discrimination, this administration avoids lawsuits and emphasizes recruitment. But recruitment efforts cannot be judged without at least some means of measuring them. Mr. Wilkinson, however, disapproved remedies that measure and thus judge recruitment efforts by any of the available methods.

This administration also opposes busing and seeks to limit the use of it rigidly. In a case Mr. Wilkinson supervised, he opposed the intervention in that case of black parents, on the grounds that the Justice Department would adequately represent their case.

Whether or not his reported statements about this case are accurate, the fact remains that it has been and was the intention of the Justice Department to limit the remedy in this, as in other cases, and for him to claim that such an intent represented the interests of the parents in the case appears to be misleading.

In that particular case, a fifth circuit rule limiting the number of lawsuits that may be filed to one, has prevented the parents from exercising

their rights in a separate suit. So whether knowingly or not, his action effectively eliminated these people's access to the courts.

I believe that these issues, taken in conjunction with the questions that arose following the close of the hearing on this nominee, constitute a record that does not warrant Senate confirmation. Perhaps a further day of hearings would have provided Mr. Wilkinson the opportunity to answer the allegations against him; but in the absence of such an opportunity, the record before us does not provide a sufficient basis for an affirmative vote.

I will therefore oppose the cloture vote on this nomination. The duty of appointing lifetime judges, and the effects of those appointments on the life of our Nation's community, are too important to be lightly considered.

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

Mr. THURMOND. Mr. President, I yield the remainder of the time to the distinguished Senator from Virginia (Mr. TRIBLE), the home State of the nominee.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. TRIBLE. I thank the distinguished chairman.

Mr. President, let me say in conclusion that the opposition raised by the Senator from Maine and others is a reasonable one. I understand why many people believe that you ought to have substantial trial and judicial experience before you sit on a court of appeals. I am also a trial lawyer. I have argued many cases in the court, at the trial level and the appellate level. I believe, quite frankly, that different kinds of legal experience are just as valuable and complementary and add a lot to the bench. But on that, reasonable people can disagree.

So if you are persuaded to vote against the man for that reason, vote against him. But do not block procedurally the right of Members of this body to register their approval or disapproval.

Let me move on to the Senator from Massachusetts. He has talked for months in opposition to this nomination. All along, he simply said, "Give us our day of hearing. We have questions that we want to ask."

The chairman of the committee [Mr. THURMOND] has offered to have that additional day of hearings so that the good Senator from Massachusetts can have a full day. He can call in anyone he wants and he can ask all those important questions that he wishes to propose. He has been given all that he has asked for. Yet he says no. I suggest that indicates that the Senator from Massachusetts is more interested in frustrating the process and blocking this nomination than he is in getting to the facts and deciding this question on the merits.

I believe the Senate should invoke cloture and have the opportunity to vote yea or nay on this nomination.

Mr. MITCHELL. Mr. President, will the Senator yield for one clarification?

Mr. TRIBLE. I am out of time, Mr. President, or I should be happy to yield.

Mr. MITCHELL. Mr. President, I ask unanimous consent for 1 additional minute to clarify one point.

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

Mr. TRIBLE. I yield to the Senator for a question.

Mr. MITCHELL. Mr. President, the Senator has said that he believes this nominee should have extensive trial experience. I believe he should have some trial experience. He has none. I do not believe it needs to be extensive. We should have a person who has at least been in a courtroom in his life.

Mr. TRIBLE. Mr. President, let us not overdramatize the situation. This nominee has no trial experience, but many other candidates have had limited or zero trial experience and they have been confirmed by the Senate. It is a matter of philosophy that controls here not the absence of trial experience.

I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. The time for debate has expired. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provision of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of James Harvie Wilkinson III, of Virginia, to be United States Circuit Judge for the Fourth Circuit.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Jeremiah Denton, Pete Wilson, Alphonse D'Amato, Jesse Helms, John Danforth, Roger W. Jepsen, Dave Durenberger, Chic Hecht, Paul Laxalt, William Armstrong, Bob Kasten, Thad Cochran, Bob Dole, Alan Simpson, John East, Paul Trible, Don Nickles, Dan Quayle, Orrin G. Hatch, Steve Symms, Slade Gorton, James Abdnor, Paula Hawkins, Jake Garn, Mark Hatfield, Nancy Landon Kassebaum, Frank H. Murkowski, James A. McClure, Malcolm Wallop, Pete Domenici, Rudy Boschwitz, Edward Zorinsky, Gordon Humphrey, Daniel J. Evans, and Chuck Grassley.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the nomination of James Harvie Wilkinson III, of Virinia, to be U.S. circuit judge for the fourth circuit, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL (after having voted in the affirmative). Mr. President, on this vote, I have a pair with the senior 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 "yea." Therefore, I withdraw my vote.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART], the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Tennessee [Mr. SASSER] are necessarily absent.

The PRESIDING OFFICER [Mrs. KASSEBAUM]. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 57, nays 39—as follows:

[Rollcall Vote No. 208 Ex.]

YEAS—57

Abdnor	Goldwater	Nickles
Andrews	Gorton	Percy
Armstrong	Grassley	Pressler
Baker	Hatch	Quayle
Boren	Hatfield	Roth
Boschwitz	Hawkins	Rudman
Chafee	Hecht	Simpson
Cochran	Heflin	Stafford
Cohen	Helms	Stennis
D'Amato	Humphrey	Stevens
Danforth	Jepsen	Symms
DeConcini	Kassebaum	Thurmond
Denton	Kasten	Tower
Dole	Laxalt	Trible
Domenici	Long	Wallop
Durenberger	Lugar	Warner
East	Mattingly	Weicker
Evans	McClure	Wilson
Garn	Murkowski	Zorinsky

NAYS—39

Baucus	Exon	Melcher
Bentsen	Ford	Metzenbaum
Biden	Glenn	Mitchell
Bingaman	Heinz	Moynihan
Bradley	Hollings	Nunn
Bumpers	Huddleston	Packwood
Burdick	Inouye	Proxmire
Byrd	Johnston	Pryor
Chiles	Lautenberg	Randolph
Cranston	Leahy	Riegle
Dixon	Levin	Sarbanes
Dodd	Mathias	Specter
Eagleton	Matsunaga	Tsongas

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

Pell, for.

NOT VOTING—3

Hart	Kennedy	Sasser

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. BYRD. Madam President, I move to reconsider the vote by which the motion was rejected.

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

The motion to lay on the table was agreed to.

Mr. SPECTER. Madam President, I had initially voted in favor of cloture because Senator BAKER, the majority leader, and Senator THURMOND, chair-

man of the Judiciary Committee, assured me that there would be a full day of hearings on the nomination, even if cloture were invoked, under the same terms and conditions as tentatively worked out earlier today with a number of Senators interested in such hearings. When it became apparent that such a timetable could not be implemented if cloture was approved, I changed my vote to vote against cloture.

Earlier today, a tentative arrangement had been agreed to among interested Senators which would have provided for a full day of hearings in early September and a date certain for a vote—up or down—on the nomination approximately 1 week thereafter. After some analysis, Senator BAKER then advised that the vote could not have been delayed until September under the Senate rules if cloture were approved, without unanimous consent.

At this point, with cloture defeated for this moment, it is my expectation that the earlier compromise can be worked out in the course of the next 2 days before the next cloture vote, since there would have been 60 votes for cloture today except that other Senators voted with me against cloture in order to provide time to work out that arrangement.

For reasons set forth extensively in my floor statement on May 23, 1984—13493 of the CONGRESSIONAL RECORD—I believe that the hearings should be held; and I believe that we will shortly work out arrangements for such hearings.

Mr. BAKER. Madam President, am I correct in saying that the cloture motion which was filed on debate against this nomination today would mature into a vote on Thursday next?

The PRESIDING OFFICER. Yes; the Senator is correct.

Mr. BAKER. Very well.

Madam President, let me say that there will be another vote on cloture, of course, on Thursday. It is the hope of the leadership on this side that cloture will be invoked.

I would also say that extensive negotiations have gone on today to try to work out some of the concerns of some Senators, and I wish to say that I am willing to continue those negotiations and try to work something out that will make it possible for us to deal with this nomination on the merits.

So may I simply say for the Record I am prepared to continue those conversations and negotiations today and tomorrow and of course on Thursday.

LEGISLATIVE SESSION

Mr. BAKER. Madam President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

ORDER OF PROCEDURE

Mr. BAKER. Madam President, I wish to ask the Senate now to turn to the consideration of another measure, one referred to as the antitrust reform.

Mr. RANDOLPH. Madam President, the Senate is not in order.

The PRESIDING OFFICER. The Senator from West Virginia is correct.

The majority leader will suspend until the Senate is in order.

Senators please clear the well.

TIME-LIMITATION AGREEMENT—S. 1841

Mr. BAKER. Madam President, I have a time agreement that I wish to propound in respect to Calendar Order No. 842, S. 1841.

Before I do so, however, I wish to consult with the minority leader and make sure that we have a clear understanding of how we are going to proceed.

I believe this agreement is——

Mr. PRYOR. Madam President, we cannot hear the majority leader.

The PRESIDING OFFICER. The Senate is still not in order.

Would those desiring to converse please withdraw to the cloakroom.

The majority leader.

Mr. BAKER. Madam President, I believe that we may be able to work out this time agreement and if we can, it would be my hope that we can dispose of this bill, the so-called antitrust R and D bill, in a very brief period.

That will be the last item that the leadership on this side would expect to ask the Senate to turn to this afternoon.

I do not know whether there will be a rollcall vote on it or not. I have no request on this side.

But I inquire of Senators who may be here if they have desire for a rollcall vote if they could indicate that at this time perhaps we can get a better position to plan the remainder of the day.

Mr. BIDEN. Madam President, will the majority leader yield?

Mr. BAKER. I yield.

Mr. BIDEN. Madam President, on the question of agreeing to the time agreement—I believe I am to manage the bill—I think we can do it in 10 minutes on a side. But I think there will be a request for a rollcall vote, but I do not know that for sure. My information is there will be a request for a rollcall vote.

Mr. BAKER. I thank the Senator from Delaware.

Madam President, in view of the statement just made by the Senator from Delaware it appears likely, although not certain, but likely that there will be another rollcall vote today and Senators should be on notice of that possibility.

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

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

UNANIMOUS CONSENT AGREEMENT—S. 1841

Mr. BAKER. Madam President, I will now put a unanimous consent request with respect to S. 1841, which I hope will be agreed to by the Senate. If it is, it would be the hope of the leadership on this side that we could finish that bill in a much shorter time even than is provided for in this agreement based upon the representations made by the Senator from Delaware just a moment ago.

Madam President, I ask unanimous consent that when the Senate turns to the consideration of Calendar Order No. 842, S. 1841, the antitrust R&D bill, it be considered under the following time agreement: 30 minutes on the bill, to be equally divided between the chairman of the Judiciary Committee and the ranking minority member, or their designees; 40 minutes on an amendment to be offered by the Senator from Ohio [Mr. METZENBAUM] to impose treble damages on participants in an R&D venture who violate a court order; 10 minutes on an amendment to be offered by the Senator from Vermont [Mr. LEAHY] dealing with limiting the disclosure requirements for participants in a joint R&D venture; 2 minutes on the committee reported amendment; that no other amendments be in order; that no motion to recommit with instructions or refer with instructions be in order; 10 minutes on any debatable motions, appeals, or points of order, if so submitted to the Senate; and that the agreement be in the usual form.

The PRESIDING OFFICER. Are there any objections? Hearing no objection, it is so ordered.

Mr. BAKER. I thank the Chair.

NATIONAL PRODUCTIVITY AND INNOVATION ACT

Mr. BAKER. Madam President, I ask the Chair to lay before the Senate Calendar Order No. 842, S. 1841.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1841) to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws.

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

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary with an amendment as follows:

Strike from line 1 of page 2 through line 13 of page 11 and insert ".

TITLE II—JOINT RESEARCH AND DEVELOPMENT VENTURES

SEC. 201. For purposes of this title—

(1) the term "joint research and development program" means—

(A) theoretical analysis, exploration, or experimentation; or

(B) the extension of investigative findings and theories of a scientific or technical nature into practical application, including the experimental production and testing of models, devices, equipment, materials, and processes;

to be carried out by two or more independent persons, including, but not limited to, the establishment of facilities for the conduct of research, the collecting and exchange of research information, the conduct of research on a protected and proprietary basis, the prosecution of applications for patents, and the granting of licenses: *Provided*, That the term "joint research and development program" shall be construed to exclude—

(i) joint production or marketing of any product or service, other than patents, know-how, or other proprietary information developed through such program;

(ii) the exchange of information among competitors relating to costs, sales, profitability, or prices that is not reasonably required to conduct the research and development that is the object of such program; or

(iii) any restriction on other research and development activities, or on the sale, licensing or sharing of inventions or developments not developed through such program, that is not reasonably required to prevent misappropriation of proprietary information contributed by any participant or of the results of such program;

(2) the term "antitrust laws" has the meaning given it in section 1 of the Clayton Act (15 U.S.C. 12), except that the term also includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that said section 5 applies to unfair methods of competition;

(3) the term "person" has the meaning given it in section 1 of the Clayton Act (15 U.S.C. 12);

(4) the term "State" has the meaning given it in section 4G(2) of the Clayton Act (15 U.S.C. 15g(2));

(5) the term "Attorney General" means the Attorney General of the United States; and

(6) the term "Commission" means the Federal Trade Commission.

SEC. 202. In any action under the antitrust laws, or under any State law similar to the antitrust laws, the conduct of any person in making or performing a contract to carry out a joint research and development program shall not be deemed illegal per se but shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting completion, including, but not limited to, effects on competition in properly defined relevant research and development markets, and effects in promoting competition through innovation or enhancement of efficiency.

SEC. 203. (a) Nothwithstanding section 4 of the Clayton Act (15 U.S.C. 15), any person who is entitled to recovery in an action under such section shall recover the actual damages sustained by him, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such actual damages for the period beginning on the date of service of such person's pleading setting forth a claim under the antitrust laws, or beginning on the date the injury was sustained if such date can be established, and ending on the date of judgment (unless the court finds that the award of all or part of such interest is unjust in the circumstances), and the cost of suit, including a reasonable attorney's fee—

(1) if such action is based on conduct that is within the scope of a research and development program for which notification has been filed pursuant to section 204, and

(2) if such action is filed after notification has been filed pursuant to section 204.

(b) Notwithstanding section 4C of the Clayton Act (15 U.S.C. 15c), any State which is entitled to monetary relief in an action under such section shall recover the total damages sustained as described in subsection (a)(1) of such section, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such total damages for the period beginning on the date of service of such State's pleading setting forth a claim under the antitrust laws, or beginning on the date the injury was sustained if such date can be established, and ending on the date of judgment (unless the court finds that the award of all or part of such interest is unjust in the circumstances) and the cost of suit, including a reasonable attorney's fee—

(1) if such action is based on conduct that is within the scope of a research and development program for which notification has been filed pursuant to section 204, and

(2) if such action is filed after notification has been filed pursuant to section 204.

(c) Notwithstanding any applicable provision of any State law providing a damage remedy for conduct similar to that forbidden by the antitrust laws, any person who is entitled to recovery in an action under such provision shall not recover in excess of the actual damages sustained by him, interest calculated at the rate specified in section 1961 of title 28, United States Code, on such actual damages for the period beginning on the date of service of such person's pleading setting forth a claim under such provision, or beginning on the date the injury was sustained if such date can be established, and ending on the date of judgment (unless the court finds that the award of all or part of such interest is unjust in the circumstances) and the cost of suit, including a reasonable attorney's fee—

(1) if such action is based on conduct that is within the scope of a research and development program for which notification has been filed pursuant to section 204, and

(2) if such action is filed after notification has been filed pursuant to section 204.

SEC. 204. (a) Any person who is a party to a joint research and development program may, within ninety days after the formation of such program, or within ninety days after the effective date of the National Productivity and Innovation Act, whichever is later, file simultaneously with the Attorney General and the Commission a written notification disclosing—

(1) the identities of the parties to such program, and

(2) the nature and objectives of such program.

Any person who is a party to a joint research and development program may file additional disclosure notifications pursuant to this section as are appropriate.

(b) Except as provided in subsection (d), not later than sixty days after receiving a notification filed under subsection (a), the Commission shall cause to be published in the Federal Register a notice of such joint research and development program which identifies the parties to such program and which describes such program in general terms but which excludes trade secrets and commercial or financial information that is privileged or confidential. Prior to its publication, the contents of the notice shall be made available to the parties to such program.

(c) Except as to the information published in the Federal Register pursuant to subsection (b), all information and documentary material submitted as part of a notification filed pursuant to this section and all other information obtained by the Attorney General or the Commission in the course of any investigation or enforcement action shall be exempt from disclosure under section 552 of title 5, United States Code, and shall not be made available except in a judicial or administrative proceeding, subject to appropriate protective orders.

(d) Any person who has filed a notification pursuant to this section may withdraw such notification prior to the time at which notice of such research and development program is published in the Federal Register. Any notification so withdrawn shall not be subject to subsection (b) and shall have no force or effect; no information or documentary material submitted as part of such notification shall be made publicly available.

(e) Any action taken or not taken by the Attorney General or the Commission with respect to any notification filed pursuant to this section shall not be subject to judicial review.

Mr. THURMOND. Madam President, today I rise in support of S. 1841, the "National Productivity and Innovation Act." This bill will help to put America back in the forefront of technological innovation by encouraging much-needed research and development. S. 1841 clarifies the application of the antitrust laws to joint research and development ventures, thus reducing the risk of such ventures and producing incentives for companies to join together and undertake the complex research projects which are necessary if we are to maintain our competitive edge in the world marketplace. Currently, many procompetitive joint research and development ventures never come about because of the risk of antitrust challenge, and society suffers accordingly because of inefficiency and duplication of effort among companies.

S. 1841, as reported, is the culmination of several years of hard work in this area by the Judiciary Committee. It is a carefully crafted bill and enjoys broad, bipartisan support. Since the first such bill was introduced, the committee has considered a number of approaches to this problem. Finally, a consensus emerged around the bill we

are debating today. Seventeen members of the committee, as well as a number of other Senators, are cosponsors of this legislation. Since reporting S. 1841 to the full Senate we have continued to refine this legislation. As a result, both the distinguished Senator from Ohio [Mr. METZENBAUM] and the distinguished Senator from Vermont [Mr. LEAHY] will offer amendments to the committee version of S. 1841. I fully support these amendments and urge their adoption.

I introduced S. 1841, at the request of President Reagan on September 14, 1983. The bill, as introduced, contained several provisions relating to the intellectual property laws in addition to the joint research and development provisions. Together, these provisions constitute a vital part of the administration's continuing commitment to restore this country to economic vitality and world leadership. The committee, after extensive discussion, decided to report the bill with an amendment in the nature of a substitute. This substitute contains a refined version of the original joint research and development proposal, while it deletes the intellectual property provisions. The committee is devoting further study to the intellectual property provisions.

Before further amendments are proposed, I would like to discuss the major provisions of S. 1841. Section 201 of the committee substitute carefully defines the term "joint research and development program" in order that legitimate activities which we wish to encourage are included, while possibly anticompetitive activities are excluded. Under this definition, a Joint Research and Development Program may encompass pure or applied research to be conducted by two or more independent persons. The definition points out several legitimate activities that such a program may include, but the list is not exhaustive.

In addition, the definition sets out three types of activity which are not to fall within the definition. The first of these is joint marketing or production activity. Participants in a venture may license their patents or know-how together, but they may not produce or market the actual product jointly. Second, the exchange of information relating to costs, sales, profitability, or prices is excluded from the definition unless it is reasonably necessary to carry out the Research and Development Program.

Finally, the definition excludes any restrictions on the other research and development activities of venture participants unless these restrictions are reasonably necessary to prevent misappropriation of information involved in the joint program. Section 201 further defines the term "antitrust laws," "person," "State," "Attorney General," and "Commission."

Section 202 provides that any Joint Research and Development Program meeting the definition in section 201 must be judged on its reasonableness and may not be deemed illegal per se if it is challenged in a Federal or State antitrust action. Using this rule of reason analysis, the court must take into account all relevant factors affecting competition including, but not limited to, effects on competition in properly defined relevant research and development markets and effects in promoting competition through innovation or enhancement of efficiency. Although it is generally believed that joint research and development ventures are judged under the rule of reason, the law on this point is underdeveloped. By clarifying this point in a statute, we will allow business decisionmakers more certainty when considering possible joint research and development ventures.

Section 203 further lessens the risk for business decisionmakers. It provides that when a joint research and development venture is challenged under the antitrust laws, a prevailing plaintiff may only recover his actual damages, plus prejudgment interest and the cost of suit provided that the challenged conduct falls within the definition in section 202 and that the venture has filed a notification pursuant to section 204. This section would apply to actions brought by private individuals or States regardless of whether the action was brought under Federal or State antitrust laws.

The award of prejudgment interest would be in the court's discretion and would be figured from the date of service unless the date of injury can be established. This section will provide a mechanism through which research and development joint ventures can remove the paralyzing fear of antitrust treble damages which currently inhibits many desirable and procompetitive joint research and development ventures. In order to obtain this protection, a venture will be required only to file a simple notification with the Justice Department and the Federal Trade Commission.

Madam President, section 204 will be significantly changed by the Leahy amendment, and I will defer to the distinguished Senator from Vermont to explain his amendment in detail. Suffice it to say, however, that section 204 establishes the procedure for filing the notification I have just mentioned. The notification must be filed both with the FTC and the Justice Department within 90 days of the formation of the venture or the enactment of this act, whichever is later.

Madam President, that is our bill. I am hopeful that all my colleagues will join me in supporting this legislation. It is a simple bill that does not require an antitrust lawyer to understand. On the one hand, we are clarifying what most people already believe to be the state of the law: Forming a joint research and development venture does not fall into the same category with classic antitrust violations such as price-fixing and bid-rigging which are rightfully deemed illegal on their face. On the other hand, we are reducing the possible penalty that these ventures might face if, after meeting the rigorous test of our definition in section 202, they still do something which is judged to be anticompetitive. However, they only get this protection if they give public notice of their activity. Anyone operating such a venture will have to be on his guard against anticompetitive behavior. With this approach, we will encourage companies to undertake these ventures, while at the same time putting them on notice that we will not tolerate the use of these ventures as a cover for anticompetitive behavior.

Another attractive feature of this bill is that it will help to solve a critical problem facing our Nation in a manner that is in keeping with the best traditions of our free enterprise system. It is clear that more and better research and development must be done in this country if we are to maintain our traditional role as leader in the world's increasingly competitive marketplace. We cannot continue to stand on our laurels from the 1940's, 1950's, and 1960's when our position as the world's chief innovator was unquestioned. Japan, Western Europe, and the developing countries are gaining on us. Recognizing this fact, President Reagan, the Judicary Committee and a broad, bipartisan group of Senators have proposed these modest changes in the antitrust laws which will unleash the creative genius inherent in the American people. It is this genius which built our country and made us a world leader. All we need to do is to let the private sector work.

Every time we pass a bill on the floor of the Senate we ought to ask ourselves what it will cost the already overburdened American taxpayer. I am happy to say that in addition to its other benefits, S. 1841 will not cost the taxpayer anything.

Madam President, having pointed out some of the numerous advantages of this bill, let me address its chief criticism. Some critics have argued that S. 1841 represents a weakening of the antitrust laws. As chairman of the committee which has principal jurisdiction over antitrust matters, I must respectfully reject that argument. In one part of our bill, we have clarified a small part of the antitrust laws.

To remove uncertainty is to strengthen, rather than weaken, the antitrust laws. In the other part of our bill, we have reduced possible penalties for a narrow class of behavior which we believe will have procompeti-

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tive effects in almost all cases. We have taken great pains to define this behavior in such a way that anticompetitive effects will not occur. However, if anticompetitive effects occur in spite of our efforts, they will still be punished. I hardly think it is a weakening of the antitrust laws if we modify them in order to encourage behavior that is generally procompetitive.

In conclusion, let me say that it is rare that we get to vote on a bill like S. 1841. It is simple. It will be effective. It will not cost a cent. It will help to solve a critical problem for our country. I urge all my colleagues to join me today in passing this bill and helping to continue to keep America in her place as a world technology leader.

Madam President, I wish to take this opportunity to express my deep appreciation to Senator METZENBAUM; Senator LEAHY; Senator BIDEN, the ranking member of this committee who has cooperated with us so well; Senator MATHIAS, and Senator HATCH. All of these gentlemen have played a vital role in this matter which means so much to our country. We express our appreciation to them.

Mr. BIDEN. Madam President, the Judiciary Committee has worked long and hard to bring this measure to the floor for consideration today. It culminates several years of consideration of various bills, numerous hearings and countless drafts of legislative language to iron out details and concerns. I am proud to have been a part of the development of this legislation and to join with the distinguished chairman of the committee, Mr. THURMOND, to bring this legislation before the full Senate for consideration. I would note that at last count S. 1841 has been sponsored and cosponsored by 67 Members of the Senate, 17 of whom sit on the Judiciary Committee.

In my view, the significant efforts on the part of many members of the committee, the chairman, Mr. THURMOND, the Senator from Maryland [Mr. MATHIAS], the Senator from Ohio [Mr. METZENBAUM], the Senator from Vermont [Mr. LEAHY], the Senator from Utah [Mr. HATCH], and others, have produced an excellent piece of legislation. I urge the speedy adoption of the legislation.

Madam President, S. 1841, as amended by the Judiciary Committee represents a balanced and sensible clarification of our antitrust laws in an effort to foster research and development programs critical to the health and well-being of both our basic industrial economy and our capacity in emerging industries. It contains provisions which preserve the fundamental integrity of antitrust enforcement but also establish more flexible rules of application to joint research and development programs. The bill thus guarantees a recognition of the essential role research and development plays in preserving American innovative and competitive abilities in a rapidly changing world economy.

Perhaps most important, this bill sends a clear, appropriate and positive signal to businesses that are prepared to invest in joint research that their effort to take on the heavy expense and risk of long-term joint research and development activities is worth the undertaking. It should remove any reservation on the part of business decision makers, real or perceived, that the antitrust laws stand as an impediment to joint research and development programs.

Madam President, to avoid any later confusion, I would make reference to one important item that this bill does not do. It does not represent a first step by the Judiciary Committee to alter the fundamental rule of treble damages as applied in other antitrust litigation.

In summary fashion, the bill contains four basic elements. First and foremost, section 202 of the bill clearly states that the balancing standard of the so-called rule of reason test will be used to evaluate any alleged anticompetitive behavior among Joint Research and Development Program participants. This provision is the heart of the legislation and assures that joint research and development programs will not be judged under the more harsh per se standard of enforcement. In this section, the committee has also tried to incorporate an understanding of the key factors on which a court or enforcement agency would focus, and would thus balance to make a determination of antitrust violation.

Second, the bill provides, in section 201, a carefully drawn definition of "joint R&D programs" and outlines the permissible activity in which combinations of firms may engage and still receive special consideration under the antitrust laws. This section outlines appropriately detailed provisions so that firms can adequately structure a joint program to receive the full benefit of the legislation. The design of this section is also to make a very clear distinction between research and development activities and activities oriented to applied research, specific product development, marketing, and production.

Third, this legislation contains a requirement in section 204 that a simple notification of the existence of the joint program be given to the Justice Department and the Federal Trade Commission in order for the joint R&D program to qualify for a standard of actual damage liability, as provided in section 203. Finally, section 203 establishes the rule that joint research and development programs will be liable only for actual damages if they are found to have engaged in anticompetitive behavior and as long as their program qualifies under the definition of a joint research program and has filed notification.

In sum, these four provisions represent modest but important adjustments to our system of antitrust enforcement that will remove potential impediments to important joint research activity. It is my firm belief, and the view of the majority of members on the Judiciary Committee, that these changes are reasonable, urgently needed, and timely.

Madam President, throughout the hearings on this bill and other similar measures, the Judiciary Committee found that the risks associated with rapidly changing technology and the often uncertain financial return from long-term research and development dissuade industry from making an adequate investment in the area. We also found that many leading edge technologies require the investment of capital and personnel far beyond the capabilities of individual firms. These findings underscored the need to eliminate an element of indecision created in the minds of business decision makers concerning of enforcement, or the risk of enforcement, of the antitrust laws to joint research efforts.

The committee also found that the antitrust laws, although well designed to punish and deter illegal and anticompetitive activity, have likewise discouraged or deterred activity which is not only legal but desirable. This bill recognizes that the formation of joint research and development programs, in fact, can be procompetitive as well as an efficient use of scarce research dollars and trained technical personnel.

Madam President, there is a television commercial that runs frequently these days in which the sponsoring company asserts "the dream begins with freedom." In American society, there is no doubt that the advertisement is correct—our culture, our heritage, our accomplishments as individuals and as a nation have stemmed from the energy, drive and imagination that a free society fosters.

In the American economy, this concept has been captured by the operation of the free market economy, and the idea that competition results in the best products, the most innovative thinking and the most productive economy in the world. Our antitrust laws, which have served us well for over 70 years, exist to preserve the competition that makes this idea a reality.

Madam President, what we have learned in dramatic fashion in recent years, however, is that we are not alone in the world marketplace. Rather, there is a world of competitors, innovators and producers out there, and they are out to capture not only the overseas markets where we

have been prominent in the past, but our domestic markets as well. A new, hardheaded truth has been adopted by business leaders and politicians alike. We now know that if America and American business is to stay competitive in the increasingly international marketplace, if American jobs are going to stay in America, and if America is going to reduce a rapidly growing trade deficit, that we must remain at the frontiers of technological development through a strong and unyielding commitment to research and development.

Madam President, S. 1841 is about competition and it is about innovation. It is about keeping American business in the same ball park with our aggressive trading partners in fields where they have already decided that joint research efforts are necessary. It is about preservation of American jobs and the creation of new jobs in years to come. It is about providing avenues to more effectively use the limited pool of skilled scientific and technical personnel while our educational system responds to the mandate to produce more technically qualified people. Most important, it is about altering the trend of declining innovation performance in America in comparison not only with our own past record of achievement but also in comparison to other industrial countries.

In sum, the National Productivity and Innovation Act is about making practical sense and clarity out of antitrust laws that although remain fundamentally sound after decades of operation, require modest fine tuning in order to effectively operate in today's highly competitive world economy. In my view, Mr. President, the area of joint research is largely an area where combined activity is today already legal, but where our business decision-makers have been reluctant to tread because of uncertainty.

Madam President, we in the Senate must do what we can to reverse the current trend and erase the uncertainty. That means we must encourage an environment of excellence in education and provide sufficient incentives to graduate more scientist and engineers with the technical capacity to keep America on the leading edge of innovation. It means that we must keep a commitment to adequate levels of Government funding in the research and development sector. In terms of this bill, though, it means we must do what we can to change the preconceived notions of business leaders, that the antitrust laws prohibit an activity, long-term combined research, that is essential to assure America's competitive potential in the decades ahead.

Madam President, the risk of inaction is too great. Competition will not be served if our domestic markets become dominated by foreign competitors who have already entered into joint research activity, often with the aid and encouragement of their governments. Competition will also not be fostered if the innovative thinking and creative potential in many firms is only brought together by mergers.

Research and development is the key to America's competitive potential in the future. It is the engine that will drive our prosperity and stature in a world economy undergoing fundamental change. This legislation should open the door to activities that will bring out the best in American industry and in America's ability to be imaginative and innovative. I urge the adoption of the bill.

Madam President, I am gratified to be on the floor with the Senator from South Carolina, the chairman of the Judiciary Committee, to present to the Senate S. 1841, the National Productivity and Innovation Act, as substantially amended and reported by the full committee. As the Senator from South Carolina indicated, it is the product of a great deal of work by the committee to balance numerous legislative proposals and substantive concerns.

I am happy to have been closely associated with the deliberations on this bill and I am proud of the result. The bill provides a sensible clarification of our antitrust laws in an effort to foster joint research and development programs critical to the health and well being of both our basic industrial economy and our capacity in emerging industries. By making it clear that joint research programs fall within the rule of reason standard of antitrust enforcement, as well as from other provisions of this bill, we have given the green light to businesses prepared to join in the risky and expensive task of long-term research, without an extreme burden also coming from the antitrust laws.

Madam President, the theorist would say our antitrust laws are fine as they are, they do not need changing. The pragmatist, however, would say, it is impractical to sit idle while legal and desirable research activity is deterred by laws that leave open to question whether productive joint research activity might be threatened by expensive antitrust litigation.

What we have learned in recent years, Madam President, is that there is a world of competitors out there trying to capture not only our overseas markets but our domestic markets as well. We now know that if America is to stay strong and competitive in the international marketplace, our businesses must remain at the frontiers of technological development through adequate research and development.

Madam President, S. 1841 is about competition and it is about innovation. It is about keeping American business in the same ball park with our aggressive trading partners in fields where they have already decided that joint research efforts are necessary, and they have been conducting such efforts. It is about preservation of American jobs. Most importantly, it is about altering the trend of declining innovation performance in America in comparison not only with our own fine record of achievement but also in comparison to other industrial nations.

Madam President, research and development is the key to America's competitive potential in the future. This legislation should open the door to activities that will bring out the best in American industry and in America's ability to be imaginative and innovative. I urge the Senate to adopt the bill.

Mr. HATCH. Madam President, I support the National Productivity and Innovation Act, S. 1841. This legislation is a high priority on the administration's legislative agenda. Similar legislation earlier passed the House by a unanimous record vote, and it enjoys the broadest support in this body.

This bill establishes a national policy in favor of research and development joint ventures. Increased R&D activity is vitally needed to improve the competitiveness of U.S. industry both domestically and abroad. Unfortunately, given our present advanced state of technology, R&D programs have become increasingly costly. Our trading partners have established the economic wisdom of cooperative R&D efforts, and common sense suggests that we follow suit. Yet our antitrust laws, with their prohibitions against many types of joint activity, impede these vitally necessary efforts.

This legislation corrects that problem. First, it establishes a definition of joint research and development program which draws a line between research and development on the one hand, and production and marketing on the other. However, it is important to recognize that this distinction is not always obvious, for just as producers often learn new technologies as they produce, researchers often must produce byproducts in developing their technologies. Thus a research and development program to develop improved methods for extracting oil will necessarily produce oil in testing its technology.

Selling this oil would not remove such a program from the scope of the definition any more than that know-how developed in joint production of small cars would qualify such a venture as a joint R&D program. The definition is not intended to supersede common sense, but it is intended to make clear that hard core antitrust violations such as price-fixing and bid-rigging fall outside the scope of the definition and the legislation.

Second, for joint R&D programs meeting this definition, the legislation provides two very important benefits: It provides a rule of reason standard custom-made for joint R&D programs and it provides that a joint R&D program meeting the notification requirements may not be subjected to damages in excess of actual damages plus prejudgment interest.

The bill's rule of reason standard assures potential joint R&D ventures that the antitrust laws are generally favorable to such activity. While the special standards allows all relevant competitive factors to be taken into account, it underscores the paramount importance of competition in relevant research and development markets, as defined in the committee report, and directs the courts to consider the procompetitive effects of innovation and enhancement of efficiency.

It is important to recognize that this rule of reason standard is not an authorization for courts to use their own uninstructed discretion but is a congressional direction that the courts apply a specific analysis carefully explained in the committee report.

Two important changes in the language reported from committee have been worked out regarding the detrebling provision. The committee version required that the notification disclose not only the identities of the parties but also the nature and objectives of such program. These requirements were unnecessarily burdensome. For any joint R&D program meeting the definition, the only possible anticompetitive situation will arise either from overinclusiveness or from, in certain rare instances, underinclusiveness.

Both situations will depend upon the parties in the venture. Disclosing who the parties are should provide antitrust enforcement officials with all the information they need to determine whether an investigation should be initiated. Thus, in my opinion, requiring more information to be disclosed in the notification is unnecessary. The Government has ample authority to obtain any information it needs in determining whether an antitrust violation has been committed.

Moreover, requiring a venture to disclose the nature and objectives of its program would have been replete with difficulties. The lack of precision in this requirement would have been a basis on which plaintiffs could have pursued treble-damage claims against even those who filed a notification in good faith. The plaintiff would have argued either that the nature or objectives were not disclosed with specificity or, if in fact so disclosed, that such specific disclosures proved wrong in the course of later developments. Either way, those filing notification could easily have lost the protection they thought they had earned. The very probability that plaintiffs would make the argument—not an unreasonable one—that they were entitled to treble damages would have undercut the essential purpose of this provision—to encourage joint R&D programs by detrebling damages. For such an incentive to work, it must appear real, not speculative, at the time the decision to engage in the venture is made. This change is a substantial improvement.

The other change in the committee version of this provision concerns when the benefits of detrebling, once earned by filing a proper notification, terminate. If the plaintiff sues the XYZ joint R&D venture for engaging in certain specific conduct and such conduct had previously been enjoined or prohibited by a court order or decree entered in an antitrust case against the same XYZ joint venture after the effective date of this legislation, then in such contempt situations the XYZ venture may be subject to treble damages even though it filed a proper notification.

The two benefits I have noted—rule of reason analysis and detrebling—differ in that the special rule of reason standard applies as a matter of law to all joint R&D programs meeting the definition while the detrebling provision applies at the option of the joint venture. A joint R&D program may elect either to forgo filing a notification and be subject to treble damage suits or may file a notification and be subject only to single damage suits.

This is the basic outline of the bill before us. Unfortunately, in my opinion it lacks one major provision which is part of the similar House bill. The House bill contains a formula for awarding reasonable attorney's fees to both prevailing plaintiffs and prevailing defendants. This bill contains no such provision, thereby preserving a bias in favor of litigation, including litigation against joint R&D ventures whose activity this legislation is designed to nurture and encourage. While no one can deny the significance of our national policy in favor of competition, likewise one cannot deny the import of our national policy in favor of joint R&D ventures. I do not find these policies in conflict. But for those who may, let me suggest that the policies should be reconciled by treating them equally. That is the approach taken by the House.

Mr. President, at this point I would like to commend to my colleagues the House report explanation of their attorney's fees amendment, as well as the additional views of members of the Judiciary Committee as outlined in the Senate report, and I ask unanimous consent that these materials be printed in the RECORD.

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

HOUSE REPORT 98-656, ON H.R. 5041

SECTION 5—ATTORNEY'S FEES

This section adopts a rule awarding costs, including a reasonable attorney's fee, to the substantially prevailing party in a claim involving a joint research and development program under the antitrust laws or a State law similar to the antitrust laws.

In order to encourage private suits to enforce the antitrust laws, Congress chose in 1890 to depart from the "American" rule under which each party bears its own litigation costs. Thus, for example, Section 4 of the Clayton Act provides that a prevailing plaintiff be awarded costs, including a reasonable attorney's fee. Similarly, in suits for injunctive relief under section 16 of the Clayton Act, a substantially prevailing plaintiff is awarded costs, including a reasonable attorney's fee. Until recently, the departure from the American rule operated only to the benefit of plaintiffs. Prevailing defendants were not entitled to a recovery of costs and a reasonable attorney's fee.

On two occasions in recent years, Congress has shown a willingness to grant a prevailing defendant attorney's fees. In section 306(b)(4) of the Export Trading Company Act of 1982, Congress provided that a prevailing defendant be awarded the cost of defending (including a reasonable attorney's fee) the conduct of a certified export trading company. And in Section 11(h) of the Shipping Act of 1984, Congress instructed the courts to award a defendant that prevails in a suit for injunctive relief a reasonable attorney's fee as a part of the costs of the suit.

These departures may reflect a sense that we as a nation can no longer tolerate high costs and long delays that plague antitrust and regulatory litigation, regardless of which party is at fault. In many cases, both the plaintiffs and defendants are large corporations. A class of plaintiffs may be represented by a law firm that concentrates its efforts on bringing antitrust suits on a contingency fee basis. Although successful plaintiffs should continue to receive reasonable attorney's fees, awards of such fees to prevailing defendants may aid in discouraging frivolous or non-meritorious suits.

Some earlier versions of proposed joint research and development legislation provided for an automatic award of the costs of suit, including a reasonable attorney's fee, to a prevailing defendant. These proposals were questioned by those who felt that the elimination of treble damages already weighs heavily against potential antitrust plaintiffs—and that the threat of paying the defendant's attorney's fees should not be added to the plaintiff's burden, particularly when suit is brought in good faith. During the full Committee mark-up of this legislation, Congressman Frank expressed strong concern that an unsuccessful plaintiff who sued in good faith not be saddled with the defendant's attorney's fees.

The amended provisions reported by the full Committee still provides for the routine award of costs, including a reasonable attorney's fee, to the substantially prevailing party. But, in order to deter the prevailing party from its own brand of overlitigation, the court may, in the interest of justice, reduce or withhold the award of costs. In particular, if the substantially prevailing party files unsuccessful motions or generates unnecessary expenses during the course of the litigation, the court may award the ensuing costs (including a reasonable attorney's fee) to the other parties, even if these

parties do not prevail in the overall litigation.

However, the Committee amendment is intended to make it clear that the substantially prevailing party may never come out at a net loss as a result of the attorney's fees provisions. Litigation costs and attorney's fees awarded to the substantially prevailing party may be reduced by the amount of fees paid to another party in the interest of justice, but in no event will fees paid to the substantially prevailing party be less than zero. The Committee believes that this refined rule for assessing costs will best deter overlitigation by both plaintiffs and defendants.

If, for example, a defendant ultimately prevails in defending a claim involving joint research and development activity, the court will award the defendant the reasonable costs of suit, including a reasonable attorney's fee. But, if in the course of mounting its defense, the defendant filed a series of unsuccessful motions for protective orders, the cost of defending against these motions should not be borne by the plaintiff—a reasonable attorney's fee should be awarded to the plaintiff for the cost of opposing these motions. Similarly, a prevailing plaintiff's award of costs and attorney's fees may be reduced or offset if the plaintiff files motions as to which the defendant prevails.

In short, any litigant that conducts the litigation with forebearance and good faith should, even if ultimately unsuccessful, be saddled only with the minimum costs necessary for the prevailing party to make its case.

SENATE REPORT 98-427, ON S. 1841

ADDITIONAL VIEWS OF SENATORS HATCH, LAXALT, SIMPSON, EAST, AND DENTON

In reporting this legislation, the Committee found it necessary to defer decision on some provisions of merit. One such provision deals with the question of the award of litigation costs to successful defendants in antitrust cases involving claims against joint R&D programs. The absence of such a provision is unfortunate and should be corrected.

As a general matter, the American legal system strives to be neutral, favoring neither plaintiffs nor defendants. Each side is responsible for paying its own litigation costs, win or lose. Generally, no more than actual damages are awarded to an injured party.

Antitrust cases are treated as an exception to this principle of neutrality. Price-fixing, bid-rigging, and the like are reprehensible activities. The law properly provides incentives to ferret out those who engage in such conduct: It awards treble damages and the payment of litigation costs to the victorious plaintiff. This bias in favor of litigation may be entirely justified as an antitrust norm, but it has no place in the present context.

In this legislation we have recognized that joint R&D activity is a procompetitive economic necessity. An increase in such activity is necessary for the health of both our domestic economy and our international trade. Those who engage in joint R&D activity are serving the Nation's best interests. Thus, we feel it is incongruous to maintain a bias in favor of litigation against such beneficial activity. Yet the reported bill does just that.

While the bill reduce treble damage liability to actual damages with interest, it nonetheless leaves in place legislated incentives—namely, the payment of the costs of litigation to successful plaintiffs, including a reasonable attorney's fee—designed to encourage antitrust litigation, including litigation against joint R&D programs. This bill limits its focus to beneficial activity, excluding, by definition, antitrust violations such as price-fixing, and the like. Moreover, it additionally excludes unreasonable restraints that may be collateral to joint R&D activity. Yet, despite this limited scope, the bill inconsistently fails to eliminate a bias against the beneficial activity that it hopes to promote.

We believe that this bias should be eliminated by treating the award of litigation costs, including reasonable attorney's fees, to the prevailing party in an equitable and even-handed manner. Since prevailing plaintiffs are presently awarded such litigation costs, the practical way to eliminate the bias is to also permit the award of such costs to prevailing defendants and grant the courts discretion to reduce such an award, if necessary, in the interest of justice. While other formulas may be appropriate, our basic purpose is to eliminate the bias in favor of litigation against activity it is our policy to encourage. If we are committed to promote and increase joint R&D activity, we believe it is only reasonable that the judicial system treat legislatively promoted activity in a neutral manner.

ORRIN G. HATCH.
PAUL LAXALT.
ALAN K. SIMPSON.
JOHN P. EAST.
JEREMIAH DENTON.

Mr. HATCH. Madam President, time is growing short in this session, and this legislation cannot wait until next Congress. The committee recognizes that there is as yet no real consensus in this body as to how the attorney's fee issue should be handled. The wisest course appears to be to commit this difficult issue to the free deliberation of House and Senate conferees to prevent a lack of consensus from causing the bill to fail. It is my hope that the conference report on this legislation will produce a result that eliminates the present bias in favor of litigation against joint R&D programs.

Finally, let me say that it has been an honor to work with my colleagues under the fine leadership of Chairman THURMOND to develop this bill. Except for the absence of an attorney's fees provision, I believe this bill offers the hope of rectifying a serious decline in our world leadership in research and development. It offers the assurance that Government will not impede innovation. And it finally declares that it is the policy of the United States to encourage research and development.

Mr. METZENBAUM. Madam President, I rise in support of S. 1841, which will clarify the application of the antitrust laws to research and development joint ventures.

I wish to state at the outset of my remarks that I am pleased that months of negotiations with my distinguished colleagues on the Judiciary Committee have produced a compromise bill which we can all support. We have indeed been negotiating this matter for hours and weeks and months. I am pleased that we finally resolved the issue so that the matter can be brought here this evening and passed.

I have publicly and privately stated, since this bill was first before the Senate, that I strongly support the general thrust of the legislation: To clarify the antitrust laws so as to preserve competition, while encouraging the formation of new joint ventures to allow the United States to compete effectively in the world economy. The purpose is good and it is right, and we should pass this legislation.

Having said that, I want to share with my colleagues the fact that I have been troubled by the attempt of some to use this as a vehicle for weakening or repealing important provisions of the antitrust laws which have served our country and our consumers well for many years.

Thus, one of my principal concerns with the elimination of treble damages for joint research and development is that such an act might be interpreted as a precedent for a widespread effort to eliminate treble damages. Our system of private enforcement of the antitrust laws provides both an incentive to encourage small businesses and consumers who are victimized by monopolies to use the courts against often wealthy and powerful defendants, and a deterrent to those same corporations against unlawful combinations. This system has served our Nation well.

The author of the Sherman Act, Senator John Sherman from my own State of Ohio, proposed multiple damages not to deter nor punish—although for some conspiracies these objectives may be desirable. Rather, he sought to insure that

> The damages would be commensurate with the difficulty of maintaining a private suit against a combination . . .

Especially as the substantive antitrust law has made it more difficult for many plaintiffs to win their suits, it is imperative that our system of treble damages be maintained.

To this end, I believe it important to emphasize that this legislation will not be a precedent for further detrebling efforts.

My concern in this area is mitigated by my understanding that the distinguished chairman of the Judiciary Committee shares this view. I am told that he agrees with me that this bill will not serve as a precedent for any further attempts to eliminate treble damages for proven violations of the antitrust laws.

At this point, I might yield to the distinguished chairman of the committee, the Senator from South Carolina, because it is my understanding that he is prepared to address himself to this point.

Mr. THURMOND addressed the Chair.

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

Mr. THURMOND. Madam President, I thank the distinguished Senator from Ohio and concur in his remarks that this legislation is strictly limited to joint research and development ventures and that it is not intended to serve as a precedent for any further elimination of treble damages, and I would not cite it as such.

There are several characteristics of joint R&D ventures that clearly distinguish them from other types of agreements subject to our antitrust laws. Our committee concluded that increased cooperation in research and development was not only desirable but essential for our Nation to maintain itself as a competitive force in the World economy.

Another important difference between joint research and development and most other agreements is that joint R&D primarily affects competition in future markets, not current ones. Thus, under the antitrust "rule of reason" where liability turns on competitive effect, it may be impossible for firms to predict their liability and their damages should a venture be proven unlawful. In contrast, the competitive effect of agreements in current markets is more easily ascertainable. Because existing consumers, purchasers, or suppliers are the most likely victims of anticompetitive restraints in current markets, the antitrust risks facing firms seeking to engage in production joint ventures, vertical distribution agreements or other agreements in current markets are qualitatively different than potential members of R&D ventures.

Mr. METZENBAUM. I thank the distinguised chairman for his strong and unequivocal statement.

I agree with the chairman's assessment of the significant differences between joint R&D ventures and any other conduct subject to the Sherman Act. The essential nature of joint R&D to our economy, combined with the uniquely uncertain threat of future damages, demonstrates that this legislation cannot be used in any manner as a basis for further elimination of damages under the antitrust laws.

My concern about the hidden intentions of some proponents of this legislation was caused by the outrageous position of the former head of the antitrust division, William Baxter. Senators may not recall this, but Mr. Baxter called for the total elimination of treble damages for most offenses under the Sherman Act.

I am pleased that Mr. Baxter's successor, Paul McGrath, has backed off from his predecessor's radical views on the Sherman Act. Rather, Mr. McGrath shares the view of the overwhelming majority of the antitrust community that private enforcement of the antitrust laws is an essential component in a continuing effort to protect consumers and stop monopolies. My concerns about this legislation have been assuaged by Mr. McGrath's assurance that this bill will not serve as a precedent for general elimination of treble damages, which he opposes.

I ask unanimous consent to insert in the RECORD a letter from the Assistant Attorney General in charge of the antitrust division on this issue.

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

U.S. DEPARTMENT OF JUSTICE,
ANTITRUST DIVISION,
Washington, DC, July 30, 1984.

Hon. HOWARD M. METZENBAUM,
U.S. Senate,
Washington, DC.

DEAR SENATOR METZENBAUM: This letter responds to your letter to me of July 27, 1984, expressing your concern about the possible precedential effect of S. 1841 as reported by the Senate Judiciary Committee on May 3, 1984. Your letter emphasizes the importance of the treble damage remedy as a key incentive to private antitrust enforcement and expresses the strong view that passage of legislation along the lines of S. 1841 should not be viewed as precedent for any subsequent legislation eliminating or limiting the treble damage remedy in antitrust cases generally. I am writing to assure you that I do not view the passage of S. 1841, as reported, to be a precedent for any future measures designed to reduce the treble damage antitrust remedy as it applies to any other type of conduct.

As you know, the Department of Justice is a strong proponent of legislation to encourage the formation of procompetitive joint research and development programs by reducing the deterrent to such programs that some perceive in the federal antitrust laws. While the antitrust laws do not in fact raise significant barriers to most joint research and development ventures, we feel it is necessary that Congress take measured steps to reduce the antitrust risk that unfortunately has become associated with joint R&D.

As I indicated during my testimony before the Committee on March 12, 1984, I do not feel that S. 1841 should be regarded as precedent for general detrebling. I stated then and repeat now my view that treble damages play a very important deterrent role in antitrust, and that we should recess consideration of any broad changes in this area pending the completion and careful examination of the results of ongoing studies. I feel strongly, however, that appreciation of the importance of the treble damage remedy in general should not handicap Congress in evaluating and responding appropriately to the unique circumstances that counsel measured detrebling in the joint R&D area.

The Department does not support the detrebling provision in S. 1841 simply because joint research and development is desirable and often may be procompetitive. If these criteria were considered sufficient to eliminate treble damages, a general detrebling for all agreements judged under the rule of reason would be called for, and, as indicated above, we would not favor such a change at this time. Rather, our support for this limited amendment of the antitrust laws is based on certain unique characteristics of joint R&D. First, R&D is not only desirable, it is essential in markets characterized by rapid technological change if American industry is successfully to meet the challenge of foreign competition. Increasingly, successful R&D can only be realized through joint ventures. Unfortunately, the financial risks associated with R&D and joint R&D ventures are unusually high—much R&D yields little or no return, and the results of successful efforts may be appropriated by others. Antitrust risks exacerbate this problem. They are particularly difficult to assess because of the continually evolving nature of joint R&D programs, and because potential damage exposure is highly speculative at best at the time at which investment decisions must be made. In short, in the joint R&D area, unknown and perhaps unknowable antitrust treble damage exposure has made what in any event are risky undertakings simply too risky to pursue, despite the fact that they are essential to the future of the economy. Reducing potential exposure to actual damages plus interest, as proposed by the Administration in Title II of the National Productivity and Innovation Act and recommended by the Committee in its report on S. 1841, is clearly appropriate in these circumstances.

I appreciate very much your longstanding interest in effective public and private antitrust enforcement and in the Department's views on broader treble damage policy issues raised by pending legislation in the joint R&D area.

Sincerely,

J. PAUL MCGRATH,
Assistant Attorney General,
Antitrust Division.

Mr. METZENBAUM. I trust that these statements will put to rest any notion on the part of those who would emasculate the antitrust laws that this bill can serve their purposes.

Madam President, without these assurances from the distinguished chairman of the Judiciary Committee and the head of the Antitrust Division, I would have had difficulty in supporting the bill. I thank both of them for their cooperation.

Since the first hearing on S. 1841, I have indicated my willingness to reach a compromise on the issue of treble damages. I believe we have done so, and at the conclusion of my remarks I intend to offer an amendment, which I understand is agreeable to all parties concerned, to retain treble damages in certain limited circumstances.

But there is another issue which is not raised by S. 1841 as reported by the Judiciary Committee. This concerns routinely granting attorneys fees to defendants in antitrust cases. As originally introduced by Senator THURMOND at the administration's request, S. 1841 made no reference to attorneys fees. However, a section authorizing the routine award of attorneys fees against private plaintiffs has been included in the House version of this legislation. Although I have the greatest respect for the leadership of the House Judiciary Committee, and particularly for its chairman, I must disagree with them on this issue. I

cannot emphasize too strongly my opposition to such a provision.

Let me make clear at the outset that I do not support in any way the use of so-called strike suits by those who would file baseless antitrust actions to harass or intimidate participants in R&D joint ventures. I note that existing Supreme Court decisions clearly give judges the power to impose attorneys fees in such cases.

But that is not the issue. As plaintiffs who have a legitimate and fair antitrust case should not be deterred in their litigation efforts by fear of having to pay massive attorneys fees.

This position is based on the historic policy of the antitrust laws which is that private plaintiffs should be encouraged to bring antitrust actions when they are truly victimized by anticompetitive conduct. When they do so, they not only vindicate their own injuries but the public interest in a free and competitive marketplace. Unless the circumstances under which defendants can win fees is strictly limited to those cases where the plaintiff's suit is without foundation or brought in bad faith, I am concerned that we may inhibit those who have been wronged by combinations in restraint of trade from enforcing the antitrust laws.

Virtually no private antitrust actions will be brought if plaintiffs face the potentially enormous liability for the legal fees of multiple defendants. Indeed, shifting the cost of defendant's attorneys fees to plaintiffs may actually harm joint R&D efforts. The threat of fee liability could lead a victim of an antitrust violation to wait until an R&D program becomes successful, and until the firm suffers significant damages, before assuming the risk of paying attorneys fees to defendants. In these cases, the guilty defendant will face large damage awards, which could have been avoided if the plaintiff had brought an action for injunctive relief at the outset of the venture, and thus assured that the venture was properly structured at the outset. Thus, an attorney fee provision is inconsistent with the purpose of this legislation: To encourage joint research without harming competition.

Madam President, we have, for the most part, eliminated treble damages for R&D joint ventures. We have been told that uncertainty as to future liability might prevent procompetitive ventures which are essential to our economic growth from being formed. But similarly, the uncertainty about the award of attorneys fees might prevent someone truly victimized by a monopoly joint venture from seeking relief from our courts. We have been told that treble damages presents such a huge risk of money damages that essential research cooperation will be deterred. But similarly, the threat of paying the enormous fees of many members of a challenged joint venture will deter good faith plaintiffs from seeking their day in court.

Thus, the same arguments used in favor of detrebling compel the conclusion that defendants should not be awarded attorneys fees. I wish to make clear that I will have to oppose any legislation, including a conference report on this legislation, that allows courts to assess attorneys fees against plaintiffs who bring legitimate antitrust claims to court.

I am pleased to be able to support the compromise agreement on S. 1841. I believe it accomplishes the twin purposes that I sought for it at the outset of the process: a way to encourage R&D ventures without harming the antitrust laws and competition. I hope it results in new efforts, especially by small- and medium-sized firms, to join together to compete more effectively against U.S. industry giants as well as the increasing threat of foreign competition.

Madam President, as I noted earlier, I have an amendment which I now send to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The question first is on agreeing to the committee amendment.

The committee amendment was agreed to.

AMENDMENT NO. 3584

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Ohio [Mr. METZENBAUM] proposes an amendment numbered 3584.

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

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

The amendment is as follows:

On page 14, between lines 18 and 19, insert the following: "*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

On page 15, between lines 12 and 13, insert the following: "*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

On page 16, between lines 8 and 9, insert the following: "*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

Mr. METZENBAUM. Madam President, I believe this amendment is acceptable to the author of the legislation.

This amendment provides that in limited circumstances a plaintiff could still obtain treble damages. These circumstances are where a joint venture has not only violated the antitrust laws but also violated a court injunction or FTC order concerning their conduct.

Madam President, I expect many if not most R&D joint ventures to be procompetitive and lawful. Where they are not, I hope that the Government or some private party promptly brings an action for injunctive relief. When this occurs, I see no possible excuse for the venture's disobedience to a court order. There can be no claim about uncertainty of the general antitrust laws which might deter desirable conduct. This amendment will ensure that injunctions will be strictly followed by the parties subject to them, and provide an additional incentive for victims of wrongdoing to bring contumacious conduct to the attention of the court.

Mr. BIDEN. Madam President, the minority is prepared to accept the amendment of the Senator from Ohio.

Mr. THURMOND. Madam President, the majority accepts the amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. METZENBAUM. We yield back all time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment.

The amendment (No. 3584) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. THURMOND. Madam President, I believe the Senator from Vermont has an amendment he wishes to offer.

AMENDMENT NO. 3585

(Purpose: To delete and amend certain provisions regarding notification)

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont (Mr. LEAHY) proposes an amendment numbered 3585.

Mr. LEAHY. Madam President, I ask unanimous consent that further read-

ing of the amendment be dispensed with.

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

The amendment is as follows:

On page 14, lines 13 and 14, strike out "that is within the scope of a" and insert in lieu thereof "of a joint".

On page 15, lines 7 and 8, strike out "that is within the scope of a" and insert in lieu thereof "of a joint".

On page 16, lines 3 and 4, strike out "that is within the scope of a" and insert in lieu thereof "of a joint".

On page 16, strike out lines 15 through 18, and insert in lieu thereof "disclosing the identities of the parties to such program.".

On page 16, line 19, strike out "who is a party" and insert in lieu thereof "who is or becomes a party".

On page 17, beginning with line 2, strike out through "confidential" on line 4.

Mr. LEAHY. Madam President, the National Productivity and Innovation Act we pass today is a strong statement of this Congress' interest in the future economic growth of the Nation. This bill recognizes that the creativity, the knowledge, and economic resources necessary to develop innovative technologies will never be limited to one company or group of individuals. This legislation removes a significant impediment to the creation of joint research and development programs. Companies will be able to pool both assets and risks. Projects previously too expensive for a single company to undertake may now be started. Programs which promise technological breakthroughs in medicine, engineering, and an infinite variety of other areas can now be initiated for the betterment of society.

But at the same time, no one should fear that passage of this bill will weaken our antitrust laws. Rather, its effect will be to promote combination where it is needed to produce a desirable economic and social result, and ultimately, to promote competition both within the United States and around the world.

Our foreign competitors do not labor under antitrust restrictions. Their R&D muscle is unlimited, and research consortiums are formed on strictly pragmatic grounds: What is needed and what will work.

In our country, particularly in the field of high technology, much of our national inventive dynamism is located in our small enterprises. If they can maintain their small-unit creativity and yet join with others for R&D when a project is too big or costly to do alone, the beneficiary will be the entire Nation. And the temptation of some companies to exceed the bill's limited permission to combine is more than amply met by its carefully framed definitions and the application of a fair and clear rule or reason standard.

I also want to state my appreciation to Senators THURMOND, MATHIAS, and METZENBAUM for their help in working out an amendment to the notice requirements of the bill. The notice requirements as set forth in the committee amendment to the bill would have severely limited the achievements we celebrate today.

The committee amendment limited the single damage protection afforded to a joint R&D program by the bill to the scope of the notification provided to the Justice Department and the FTC. My amendment limits the notification to the identities of the parties to a joint R&D program. It eliminates the requirement that a joint venture notify the Federal agencies of the nature and objectives of the joint research and development program.

I believe that this amendment is necessary because linking protection of joint R&D projects to the scope of notification would have undermined the certainty established by the bill since it is often hard to predict what the outcome of a creative research undertaking will be.

We have now ensured that companies will not be bound by unrealistic detail required in disclosures that would have limited research and development to the very project described in the disclosure. Under my amendment, researchers need not constantly fear whether a creative offshoot of their research has taken them outside the scope of protection that they had gained through their original disclosure.

Antitrust protections contained in current law are not weakened since the Department and Commission retain their current authorities to investigate the scope and structure of a joint R&D program to determine whether the program violates our antitrust laws. But my amendment ensures that any litigation involving joint research and development will focus on whether two or more companies have used the excuse of reseach and development to violate antitrust laws rather than the less substantive points involving adequate disclosure.

Finally, the amendment minimizes the risk that in some industries, even the very general Federal Register announcement contemplated by the bill might provide enough information for industry insiders to be able to learn a great deal about the nature and purpose of the joint R&D. The effect of such disclosure could have to actually reduce competition rather than encourage it.

Again, I thank my colleagues for joining me in this most important piece of legislation. Today we have demonstrated that our competitive future lies within our own control and is subject only to the limits of our own creative spirit. This legislation will help ensure that America remains the technological and intellectual center of the world throughout this century and well into the next.

Before closing, Madam President, I would like to extend my appreciation—and I am sure that is echoed by the rest of this body—to Senators THURMOND and BIDEN for their leadership in steering this vital legislation through the Senate.

Mr. BIDEN. Madam President, the minority has reviewed the amendment of the Senator from Vermont and it is acceptable. I believe it will improve the bill. We accept his amendment to this legislation.

Mr. LEAHY. Madam President, I yield back the remainder of my time on the amendment.

Mr. THURMOND. Madam President, I yield back the remainder of my time. We will accept the amendment.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment.

The amendment (No. 3585) was agreed to.

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

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

The motion to lay on the table was agreed to.

Mr. DECONCINI. Madam President, I rise today in support of the National Productivity and Innovation Act.

I cannot stress enough the importance of this legislation. It seeks to modify Federal antitrust and intellectual property laws in ways which will stimulate this country's productivity, innovation, and efficiency in the increasingly competitive international computer marketplace.

This bill will reduce duplication in a field which needs to make the most efficient use of scarce technical personnel and capital resources. It also provides small firms the opportunity to collaborate in joint research and development projects which, because of prohibitive costs, could not otherwise be undertaken. Finally, this bill allows the United States to compete with foreign competitors and continue to be the technological leader in the world market which has in recent years seen a challenge to our leadership from Japan and other countries.

If we are to remain world leaders in technology, it is imperative that we encourage joint research and development by providing explicit congressional recognition that such ventures will encourage competition domestically and internationally.

The fear of antitrust liability has continued to be the primary barrier to joint research and development regardless of the Department of Justice's attempts to clarify the standards to such activities. This is primarily because approval of a joint venture from

the Justice Department is not binding upon the courts in private suits against a firm. Thus, companies are forced to expend resources defending suits which often are found to be meritless. Companies like Motorola, Intel, and Digital cannot afford to be bound in their research activities by inconsistent and unclear legal standards. We must clear the path for these and other companies to positively effect our economy and technologically improve our system of defense.

The need for this legislation is great. I strongly urge your support.

Mr. MATHIAS. Madam President, in December 1982, along with Senator HART, I introduced S. 3116, a bill aimed at encouraging firms to engage in beneficial, procompetitive joint research and development ventures. In the current Congress, I introduced a revised version of that bill, S. 727, with Senators CHAFEE, SPECTER, HART, and BAUCUS as cosponsors. Today, the full Senate will consider a new proposal on this subject, S. 1841, which represents the synthesis of many months of hearings, study, and negotiations. I urge my colleagues to support this important bill, which addresses the vital concerns that led me to introduce closely related legislative proposals in each of the past two Congresses.

Our national policy, embodied in the antitrust laws, discourages businesses from joining forces to engage in anticompetitive behavior. In certain instances, however, our misgivings about alliances between competitors are misplaced. In those cases, cooperative efforts can yield tremendous benefits—if they can be carried out without fear of unwarranted antitrust lawsuits.

One such area is joint research and development. Today, many of our trading partners not only permit but actively encourage joint R&D ventures. For example, the Japanese Ministry of International Trade—by now known to most of us as MITI—has organized a consortium of major Japanese computer and electronic firms to engage in a 10-year R&D effort to produce the first fifth-generation computer. That joint venture is reportedly already making impressive progress.

The advantages of joint R&D—both to the parties involved and to the Nation—are clear. First, as William C. Norris, the distinguished president of Control Data Corp., has testified, America is suffering from a "wasteful duplication" of R&D efforts. By reducing this needless overlap, cooperative research will make it possible for American companies to carry out research in as-yet-unexplored areas. Second, some types of research may be so risky or costly that no single firm will take them on alone. Here, too, joint research efforts will make it possible to enlarge our overall fund of scientific and technical knowledge. Finally, when researchers work side by side, they sometimes achieve results that would never be possible through isolated efforts. Perhaps the most famous example of this scientific synergy at work is the collaboration of Enrico Fermi, Robert Oppenheimer, and the other members of the Manhattan project. The Constitutional Convention of 1787 is another, very different situation in which collective efforts amplified the genius of all involved.

Despite these attractions, relatively few American firms have chosen to enter into joint R&D ventures. I believe that this reluctance is largely due to uncertainty about the legality of joint R&D. The bill that we consider today, S. 1841, has been carefully crafted to remedy this lack of clarity. It specifies that joint R&D programs—as defined in the bill—are to be judged under a flexibile "rule of reason" standard. In addition, the bill spells out the most important factors to be taken into account in applying that standard.

KEY POINTS IN LEGISLATIVE HISTORY

The committee report on this bill, S. Rept. 98-427, provides further guidance about how the rule of reason is to be applied in cases involving joint R&D programs. In particular, the report makes two key points of such importance that I want to repeat them here. The first is that—

> When there are several other—perhaps four—comparable R&D efforts underway or successfully completed, or the substantial potential for such efforts by firms or groups that are included in the market, anticompetitive effects are unlikely.

Thus, the members of a joint R&D program will not be required to show, as to each member, that the research would be impossible without that member. Rather, the test will be whether there is room in the market for a sufficient number of competing R&D efforts—whether there is "room to dance." If a venture meets that test, and satisfies the other requirements set out in this bill, it is extremely unlikely to be found in violation of the antitrust laws.

Second, the report makes clear that "overseas R&D competitors usually will be significant factors in properly defined R&D markets, and in those instances courts must take this internaitonal dimension into account." This statement is a sensible recognition of the fact that scientific and technical knowledge flows more rapidly across national borders than virtually any other commodity. This economic reality should be reflected in any analysis of R&D competition under the antitrust laws.

ATTORNEY'S FEES

There has been a great deal of discussion about the award of attorney's fees to defendants in suits under this bill. Some have argued that Congress should provide for an award of attorney's fees to virtually all parties who successfully defend against antitrust suits based on joint R&D activities. Others have contended that no defendant should ever be awarded attorney's fees in any antitrust suit, unless the plaintiff acted in bad faith.

I favor a middle course. Congress should certainly provide relief to participants in joint R&D programs who suffer the often enormous expense of defending unwarranted antitrust litigation. At the same time, we must be careful not to deter meritorious litigation. In attempting to achieve this compound goal, we can draw upon the experience of the many courts that have confronted this problem in interpreting other statutes. In particular, the Supreme Court's unanimous opinion in the *Christiansburg Garment* case, 434 U.S. 412 (1978), recently reaffirmed in *Hughes* v. *Rowe*, 449 U.S. 5 (1980), offers helpful guidance in this regard. In the Christiansburg case, the Court noted that "strong equitable considerations" counsel that differing standards be applied in awarding attorney's fees to prevailing defendants than to prevailing plaintiffs. First, the Court noted that plaintiffs are "the chosen instrument of Congress to vindicate Federal statutory policy." Second, the Court pointed out that unlike an unsuccessful plaintiff, a losing defendant has been found by the court to be "a violator of Federal law." Finally, the Court found that too ready an assessment of attorney's fees against unsuccessful plaintiffs might discourage victims from bringing meritorious claims. In light of these factors, the Court held that prevailing defendants should recover attorney's fees in title VII suits only if the plaintiff's action was brought in subjective bad faith, or was objectively "frivolous, unreasonable, or without foundation."

I believe that a standard such as this may well be appropriate in connection with lawsuits involving joint R&D programs. Such a test might well be the best way to deter groundless litigation, while not intimidating victims of antitrust violations from bringing meritorious suits.

Some have contended that as a practical matter, courts will never find a lawsuit to be frivolous, or to have been brought in bad faith. A review of recent cases indicates that this is emphatically not the case. Indeed, the Federal courts have shown an admirable willingness to recognize meritless and bad faith lawsuits for what they are. In the past few years, Federal courts of appeals across the country have approved awards of attorney's fees to defendants who have been forced to defend against meritless or bad faith suits. Those cases include the following: *General Camera Corp.* v. *Urban Development Corp.*, 734 F.2d

468 (2d Cir. 1984) ("frivolous" suit); *American Family Life Assurance Corp.* v. *Teasdale,* 733 F.2d 559 (8th Cir. 1984) ("frivolous, unfounded, and vexatiously brought"); *Beard* v. *Annis,* 730 F.2d 741 (11th Cir. 1984) ("groundless, baseless, and frivolous"); *Braxton* v. *Bi-State Development Agency,* 728 F.2d 1105 (8th Cir. 1984) ("abuse of process," citing Christiansburg); *Bernstein* v. *Menard,* 728 F.2d (4th Cir. 1984) ("frivolous, unreasonable, or groundless"); *Shaw* v. *Neece,* 727 F.2d 947 (10th Cir. 1984) ("unreasonable (and) frivolous") cert. denied, 104 S. Ct. 2358 (1984); *Arnold* v. *Burger King Corp.,* 719 F.2d 63 (4th Cir. 1983) ("frivolous"); *Perichak* v. *International Union of Electrical, Radio and Machine Workers,* 715 F.2d 78 (3d Cir. 1983) ("bad faith"); *Lewis* v. *Brown & Root, Inc.,* 711 F.2d 1287 (5th Cir. 1983) ("frivolous, unreasonable, or without foundation"), modified, 722 F.2d 209 (5th Cir. 1984), cert. denied, 104 S. Ct. 975 (1984); *Campbell* v. *Cook,* 706 F.2d 1084 (10th Cir. 1983) ("frivolous"); *McCandless* v. *Great Atlantic and Pacific Tea Co.,* 697 F.2d 198 (7th Cir. 1983) ("bad faith"); *National Organization for Women* v. *Bank of California,* 680 F.2d 1291 (9th Cir. 1982) ("frivolous, unreasonable, or without foundation"); *Durrett* v. *Jenkins Brickyard,* 678 F.2d 911 (11th Cir. 1982) (same); *Bugg* v. *International Union of Allied Industrial Workers,* 674 F.2d 595 (7th Cir.) ("entirely groundless"), cert. denied, 459 U.S. 805 (1982); *Werch* v. *City of Berlin,* 673 F.2d 192 (7th Cir. 1982) ("frivolous, unreasonable, and groundless"); *Coleman* v. *General Motors Corp.,* 667 F.2d 704 (8th Cir. 1981) (no basis or foundation" for suit); *Harris* v. *Group Health Association,* 662 F.2d 869 (D.C. Cir. 1981) ("frivolous, unreasonable"); *Reichenberger* v. *Pritchard,* 660 F.2d 280 (7th Cir. 1981) ("unreasonable and groundless"); *Harbulak* v. *County of Suffolk,* 654 F.2d 194 (2d Cir. 1981) ("totally without foundation"); *Church of Scientology* v. *Cazares,* 638 F.2d 1272 (5th Cir. 1981) ("frivolous, unreasonable, and groundless"); and *Jones* v. *Dealers Tractor & Equipment Co.,* 634 F.2d 180 (5th Cir. Unit A 1981) ("frivolous, unreasonable, or groundless"). This proliferation of awards of attorney's fees under the Christiansburg standard shows that the courts can and do give that test real bite.

Madam President, I believe that passage of this legislation will prove to be a historic step in encouraging America to still greater achievements in science and technology. I hope that it can be enacted without delay.

Mr. DODD. Madam President, I intend to vote against the pending motion to concur in the House amendment to S. 268, the so-called Hoover Dam bill.

I am doing so, first of all, for procedural reasons. This is an extremely substantial piece of legislation—it commits us for 30 years to a particular course of action. It may prove enormously costly—by one estimate, an alternative course of action would save the taxpayers $6 billion over the next decade alone. Yet we are about to give a stamp of approval to this legislation even though it was never considered by a Senate committee and with debate in the Senate Chamber curtailed abruptly. I do not think it makes good sense for the Senate to begin action to close debate only 4 hours after the motion was brought to the floor.

Second, the limited debate we did have raised some very real substantive questions in my mind about the wisdom of the legislation. The essence of S. 268 is to commit the Federal Government to provide customers of the Hoover Dam hydroelectric power at cost over three decades. That rate is approximately one-tenth of the average cost of electricity in the United States as a whole.

Proponents of the measure have argued that charging those customers the market rate for power is unfair. That may be true; I certainly do not favor that approach myself. But I do think it would have made sense to explore some alternatives. Since no action is required until 1987, what was the compelling reason to commit ourselves well into the 21st century now? What was wrong with the amendment of the Senator from Ohio which simply called for a formal study of alternative pricing mechanisms and their implications before we made a final decision?

In my judgment, there are no good answers to these questions. For that reason, I am opposed to Senate approval of S. 268.

Mr. CHAFEE. Madam President, America's industrial stength and international competitiveness ultimately depend on the vitality and creativity of its private sector economy. Research and development lie at the heart of our industrial competitiveness. The ability of U.S. firms to remain at the frontiers of technological development is critical to both our competitive position in the world and our national security.

However basic research by companies is inhibited by its often extraordinarily high cost and slow payback. The cost and risk along with the limits on available skilled scientific and technical personnel may preclude any single company from gathering the talent needed to make an R&D project successful. Many companies, even larger ones, simply can't afford to pursue every idea or lead which holds the promise of a better product or process.

Groups of companies in the same industry therefore have an incentive to share this cost by working together to perform such research, but they are held back by fear of violating antitrust laws. Most of the time, antitrust laws do what they are supposed to—they foster competition and protect consumers from monopolistic practices. But they can also hurt the consumer—by limiting the search for new competitive technologies.

This bill before the Senate seeks to restrain antitrust action against joint research ventures. It is explicit and welcome congressional encouragement that joint R&D activity will generally encourage competition and put us on more equal footing with our international competitors. This kind of competition should not be inhibited by unclear antitrust standards. When joint research activities are anticompetitive, this bill still allows safeguards against that.

Government actions can help stimulate and release the tremendous industrial energy of our private sector, or it can stifle it.

This legislation before us today is one example where we have a chance to help, and I wholeheartedly support it.

Too much is at stake—employment, economic growth, and America's ability to compete in world markets—to stifle technological progress because of inflexible antitrust laws.

The National Productivity and Innovation Act should become law as quickly as possible.

Mrs. HAWKINS. Madam President, I rise in support of the National Productivity and Innovation Act which is designed to promote research and development through a clarification of the applicability of antitrust laws to joint R&D programs.

Research and development is the engine of technological progress and productivity. Recent studies show a strong linkage between the rate of R&D expenditures and the rate of productivity increase in various industries.

However, the longrun trend of U.S. R&D outlays is discouraging. Our total R&D spending reached a peak of 3 percent of GNP in 1965 and has trended down to 2.4 percent.

An inhibiting factor has been the application of antitrust laws to joint R&D ventures. Firms that are otherwise competitive may violate U.S. antitrust policy when they enter into R&D joint ventures. This puts U.S. firms at a competitive disadvantage with foreign firms not shackled by antitrust restrictions. Joint ventures can minimize costs and achieve economies of scale in research.

The decline in the U.S. R&D effort means the loss of American jobs. This can be seen in the U.S. trade deficit.

Our trade deficit for the first half of 1984 was $59.79 billion, up from $27.28 billion during the 1983's first half. To preserve American jobs, it is essential that the competitive edge of our firms be restored, particularly in the high-tech areas. This can best be accomplished through a Government policy that encourages, rather than discourages research and development efforts.

The bill provides congressional recognition that joint R&D activity will encourage competition, and that such competition should not be inhibited by unclear antitrust standards. Legal procedures are established in the bill to insulate appropriate R&D joint ventures from antitrust attacks. By amending our antitrust laws to encourage R&D joint ventures, we will be taking an important step in assuring American industrial leadership in the world.

Mr. RIEGLE. Madam President, I support S. 1841, the National Productivity and Innovation Act.

The Business-Higher Education Forum has identified technological innovation as one of the primary elements of a Nation's industrial competitiveness. Innovation is a key to the development of new products, new manufacturing processes, and an overall improvement in productivity. America's commitment to research and development has established our Nation as the leading competitor in many technology-intensive industries.

However, our total expenditures on industrial research and development as a percentage of GNP has decreased by 20 percent over the past 20 years. At the same time, foreign research consortiums have arisen to challenge the united States in world high-technology markets. Japan and the EEC countries maintain a policy which allows the joint research and development programs of its major corporations to operate under special antitrust provisions. By pooling the economic capacity of several companies, foreign firms have been able to engage in cost-intensive research out of reach for single U.S. firms. Foreign industries have actively exploited this unfair advantage to increase their world market share at the expense of the United States.

Technology-intensive industries in the United States have been reluctant to engage in joint R&D projects due to ambiguity of the current antitrust legislation. Many firms justifiably fear that antitrust suits, win or lose, would greatly increase the total cost of a research program. To avoid the trouble and expense of a legal suit, U.S. companies simply pass up the opportunity to conduct valuable research with other firms.

Recognizing the importance of research to the future of American industry, the National Productivity and Innovation Act seeks to define the relationship between antitrust laws and joint venture R&D projects. In modifying current antitrust law, S. 1841 ensures that technological innovation is not unnecessarily discouraged. This bill replaces the per se violation rule, which classifies certain types of joint activity as automatically illegal, with a rule of reason for joint R&D ventures. It also does away with the current law that requires the losing party in an antitrust case to pay triple the amount of damages; and allows the judge to award court costs to a successful defendant in the interest of justice.

This legislation is an example of how we can remove unnecessary obstacles to competition while still keeping essential rules and regulations intact. Antitrust legislation will still apply to all joint venture R&D projects and the Justice Department and Federal Trade Commission will continue to monitor joint ventures to identify any anticompetitive activities that take place.

To compete in the world market today, the United States must rededicate itself to industrial research and development. With a $120 billion merchandise trade deficit, we must do everything possible to see that American business and industry is not unnecessarily burdened by government. In clarifying antitrust legislation, the National Productivity and Innovation Act is an important step in removing obstacles to the research and development that is essential to increase national competitiveness.

I am pleased to cosponsor this bill and ask my colleagues to join me in strong support of this legislation.

Mr. HEFLIN. Madam President, I join my colleagues in strong support of Senate bill 1841, the National Productivity and Innovation Act. This legislation is designed to promote research and development, encourage innovation, and stimulate trade. This legislation underscores the importance our Nation places upon the research and development undertaken by industries in our country.

I have sponsored and strongly supported this meaningful legislation because I believe it puts to rest the uncertainty of possible technical antitrust violations if individual entrepreneurs join together in research efforts. It preserves the basic foundation of our antitrust laws, while providing flexibility when these laws are applied in joint research and development programs.

Oftentimes, the development of new technology is a painstaking process and is too costly, both financially and in terms of personnel to be undertaken by an individual business. Therefore, it is incumbent upon us to encourage the sharing of ideas and knowledge for the betterment of the United States.

The United States does not compete in an uncompetitive world; there are foreign businesses who are ready to control not only the foreign markets of the world, but our own domestic markets. We cannot stand idly by and watch this happen. All of us are aware that there are limited resources available, and it is better that we encourage cooperation and development among ourselves than to fall prey to foreign predators.

Our antitrust laws are an appropriate mechanism to ensure that the American free enterprise marketplace is and will always remain free. But when these laws threaten to hinder our economic growth rather than strengthen them, it is time to rethink their purpose and reclarify their intent and enact appropriate and necessary improvements.

This is sound legislation and at this time in our country when there is a strong sense of the American spirit, I am proud to be part of a legislative effort to recognize the spirit of "ole American know-how" and technology.

I urge my colleagues to support this legislation.

Mr. SPECTER. Madam President, I strongly support the passage of S. 1841, the National Productivity and Innovation Act of 1983. On March 9, 1983, I was one of six original sponsors of S. 737, a bill which would have created a limited antitrust exemption for joint research and development efforts. I was an active proponent of this legislation because I believe it vital that American industry be given encouragement and opportunity to put its best research efforts forward if it is to most effectively compete in the international marketplace.

In the following 18 months, the Judiciary Committee considered a number of other approaches to solving the problem of how to ensure that the antitrust laws which are designed to encourage the growth of a competitive market do not unnecessarily impede industry's ability to work cooperatively to improve existing technologies.

To assist in this process, I attended 2 days of committee hearings to examine this issue, discussed the matter with the Assistant Attorney General for the Antitrust Division of the Department of Justice and consulted with representatives of the business community. I am thus convinced that S. 1841, the consensus bill reported by the Judiciary Committee represents a practical and much needed solution to this problem. Accordingly, I was not only pleased to cosponsor it, but to join my fellow Judiciary Committee members in urging its early and favorable consideration by this body.

Mr. WILSON. Madam President, I want to express my complete support for the National Productivity and Innovation Act, S. 1841. As a cosponsor

of the bill, I am pleased that the Committee on the Judiciary has brought the bill to the floor at this time so that we may see it enacted this year.

Madam President, there are many things which make our country thrive. Among these is the sheer determination of our industry. But determination alone never has been enough, and this is especially true in today's international economy. The difference between a good effort and national economic success is innovation—which does not come easily or on the cheap.

There has been a great deal of talk over the past number of years—and most recently in the Democratic platform—about a national industrial policy. Some have suggested that we should adopt the Japanese model which has the government pick business winners and losers through government sponsored research and development programs and government allocation of capital. Madam President, I contend that this is the wrong path to follow.

The policies of the United States should foster innovation in our industries through the established strengths in our economy. It is private industry—with an eye on the marketplace—which should choose the paths to follow. The Government can, and must, help, but not by pointing the way. Rather, Government must provide the basic tools necessary for industry to do the job itself.

Madam President, the bill before us is very much in keeping with this proper governmental role. It embodies a recognition that the game is no longer an intramural one. U.S. companies are no longer only competing among themselves. In marketing and sales domestically we must continue the long established policy of free and open competition. However, if the U.S. economy is to have a chance internationally, we must improve the chances of our domestic companies to compete against foreign competitors both in our home markets and abroad.

The new rules established by the National Productivity and Innovation Act will formally allow joint ventures for research and development. The dollars and cents costs of developing new technologies have grown to the point that few companies, going alone, can afford to take the risk. Yet, without this bill, no group of companies can afford the risk of litigation under our antitrust laws.

Madam President, earlier this month I had an opportunity to visit one of the premier high-technology companies which, not at all by chance, happens to be headquartered in California—Hewlett-Packard. This company performs extremely sophisticated research and development each year at a cost of millions of dollars. On a tour of their Cupertino facility, I was able to see computer chips being designed and made. It was very impressive, though I will admit that not all of it was easily comprehensible—with references to DRAM, ROM, CMOS, nor gates, and such. And, yet, with all that I saw and with all that I was told about, it was clear that there is a need for a change in the law to allow R&D joint ventures. There is simply no other reasonable way for our domestic companies to maintain a lead internationally in innovative products. We must allow our industries to work together so that, as a nation, we can compete on an international level against foreign national efforts—efforts which exist in a setting where if there are antitrust laws, they are acknowledged only in theory.

Madam President, S. 1841 is one of many steps that the Congress must take to provide the means for our domestic industries to retain their competitiveness in the area of high technology. One other important move was recently sidetracked as the R&D tax credit extension provision of the Senate's tax bill was struck in conference. Clearly, we must not allow the R&D tax credit to lapse.

There are many other changes in our laws which should be made, and in this regard I would commend to my colleagues the work of the Task Force on Industrial Competitiveness chaired very ably by the Senator from Rhode Island, Mr. CHAFEE. S. 1841 encompasses but one of the recommendations made by the task force which the Congress must take to improve the ability of our industries to maintain a competitive edge.

Madam President, I again commend the Committee on the Judiciary for its fine work on S. 1841 and I hope to see it signed by the President in the near future.

Mr. BIDEN. Madam President, I ask for the yeas and nays on passage.

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

The yeas and nays were ordered.

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.

The PRESIDING OFFICER. Is all time on the bill yielded back?

Mr. THURMOND. Madam President, we yield back the remainder of our time.

Mr. BIDEN. Madam President, we yield back the remainder of our time.

The PRESIDING OFFICER. All time having been yielded back and the bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Connecticut [Mr. WEICKER] is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Colorado [Mr. HART] and the Senator from Michigan [Mr. LEVIN] are necessarily absent.

The PRESIDING OFFICER [Mr. MURKOWSKI]. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 209 Leg.]

YEAS—97

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Goldwater	Nickles
Baker	Gorton	Nunn
Baucus	Grassley	Packwood
Bentsen	Hatch	Pell
Biden	Hatfield	Percy
Bingaman	Hawkins	Pressler
Boren	Hecht	Proxmire
Boschwitz	Heflin	Pryor
Bradley	Heinz	Quayle
Bumpers	Helms	Randolph
Burdick	Hollings	Riegle
Byrd	Huddleston	Roth
Chafee	Humphrey	Rudman
Chiles	Inouye	Sarbanes
Cochran	Jepsen	Sasser
Cohen	Johnston	Simpson
Cranston	Kassebaum	Specter
D'Amato	Kasten	Stafford
Danforth	Kennedy	Stennis
DeConcini	Lautenberg	Stevens
Denton	Laxalt	Symms
Dixon	Leahy	Thurmond
Dodd	Long	Tower
Dole	Lugar	Trible
Domenici	Mathias	Tsongas
Durenberger	Matsunaga	Wallop
Eagleton	Mattingly	Warner
East	McClure	Wilson
Evans	Melcher	Zorinsky
Exon	Metzenbaum	
Ford	Mitchell	

NAYS—0

NOT VOTING—3

Hart	Levin	Weicker

So the bill (S. 1841), as amended, was passed.

Mr. THURMOND. Mr. President, I ask unanimous consent to reconsider the vote by which the bill was passed.

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

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

Mr. BAKER. Mr. President, I have indicated to our cloakroom staff that there will be no more record votes today.

I ask unanimous consent that there now be a period for the transaction of routine morning business, not to extend past 6:45 p.m., in which Senators may speak for not more than 1 minute each, except for the two leaders or the acting leaders, against whom no limitation applies.

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

MESSAGES FROM THE HOUSE

At 3:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1492) to establish the Christopher Columbus Quicentenary Jubilee Commission.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4784. An act to reform the remedies available to United States producers regarding unfair import competition, and for other purposes; and

H.R. 5616. An act to amend chapter 47 of title 18 of the United States Code to provide penalties for fraud and related activities in connection with access devices and computers, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution; in which it requests the concurrence of the Senate:

H. Con. Res. 342. Concurrent resolution relative to an adjournment to a date certain during the remainder of the Ninety-eighth Congress.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 559. An act to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information;

H.R. 1310. An Act to provide assistance to improve elementary, secondary, and post-secondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs, and for other purposes; and

H.R. 1492. An Act to establish the Christopher Columbus Quincentenary Jubilee Commission.

The enrolled bills were subsequently signed by the President pro tempore [Mr. THURMOND].

MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4784. An act to reform the remedies available to U.S. producers regarding unfair import competition, and for other purposes; to the Committee on Finance.

MEASURE HELD AT THE DESK

The following bill was ordered held at the desk until the close of business on August 1, 1984, by unanimous consent:

H.R. 5890. An act to establish a commission to assist in the first observance of the Federal legal holiday honoring Martin Luther King, Jr.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar.

H.R. 5616. An act to amend chapter 47 of title 18 of the United States Code to provide penalties for fraud and related activities in connection with access devices and computers, and for other purposes.

The Committee on Armed Services was discharged from the further consideration of the following bill, which was placed on the calendar:

H.R. 4952. An act to authorize the Secretary of Defense to provide assistance to certain Indian tribes for expenses incurred for community impact planning activities relating to the planned deployment of the MX missile system in Nevada and Utah in the same manner that State and local governments were provided assistance for such expenses.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations, with amendments and an amended preamble:

H.J. Res. 279: A joint resolution expressing the sense of the Congress regarding the reduction of emigration from the Soviet Union.

By Mr. DOMENICI, from the Committee on the Budget, without recommendation without amendment.

S. Res. 418: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of S. 1177.

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 424: An original resolution waiving section 402(a) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 3729.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PERCY, from the Committee on Foreign Relations:

Diana Lady Dugan, of Utah, to be Coordinator for International Communications and Information Policy, with the rank of Ambassador:

Nominee: Diana Lady Dugan.

Post: Coordinator for International Communication and Information Policy with Permanent Rank of Ambassador.

CONTRIBUTIONS

1. Self: Donee, amount, and date:
Eloise McGouwn for Legislature, $25, 1980.
Glen Johnson for Legislature, $25, 1980.
Garn Election Committee, $600, 1980.
GOP Victory Fund, $100, 1980.
Hogan Election Committee, $100, 1982.
Katie Dixon, $25, 1982.
Utah Republican Party, $50, 1982.
Hatch Election Committee, $25, 1982.
Nielson for Congress, $30, 1983.
MD Republican Party, $100, 1983.
Camp Fund For Republican Women, $150, 1984.

2. Spouse: Donee, amount, and date:
Wilson for Mayor, $50, 1980.
Century Club, $150, 1980.
Carter/Mondale, $800, 1980.
Berman for Senate, $200, 1980.
Monson for Congress, $250, 1980.
McKay for Congress, $250, 1980.
Matheson for Governor, $500, 1980.
Hiskey for Commissioner, $100, 1980.
Berman for Senate, $300, 1980.
Udall for Congress, $100, 1980.
Balanced Legislature, $100, 1980.
Jefferson-Jackson Dinner, $100, 1981.
Wilson Election Committee, $100, 1981.
Jefferson-Jackson, $100, 1981.
Wilson Election Committee, $100, 1981.
Johnston for Senate, $250, 1983.
U.S. Democrat Committee, $500, 1983.
Century Club, $100, 1983.

3. Children and spouses names: Gavin M. Dougan, Elena L. Dougan (minor children no spouses), none.

4. Parents names: Elaine S. Lady (father deceased): Donee, amount, and date:
Lincoln Day Dinner, $15, 1980.
Maryland Republican Founders Club, $100, 1980.
Bauman for Congress, $25, 1980.
Citizens for Buckley, $10, 1980.
Mont. County Republican Club, $100, 1980.
Lincoln Day Dinner, $15, 1980.
MD Republican Founders Club, $100, 1980.
Del. Simmons, $10, 1980.
Montgomery Co. Republican Club, $100, 1980.
Rock Creek Women's Repub. Club, $15, 1980.
National Republican Senatorial Comm., $15, 1980.
Montg. Co. Republican Women's Club, $12, 1980.
National Republican Committee, $15, 1980.
Polly Bloedorn—expenses for coffee, $14.60, 1980.
Rock Creek Women's Republican Club, $30, 1980.
National Republican Sen. Comm., $10, 1980.
P. Bloedorn—exp Detroit Rep Nat'l Conv., $252, 1980.
Nat'l Federation Republican Women, $25, 1980.
Return Newton Steers to Congress, $25, 1980.
Republican National Committee, $100, 1980.
Maryland Founders Club—dues, $100, 1980.
Maryland Founders Club—dues, $100, 1980.
Bauman for Congress, $15, 1980.
National Republican Sen. Comm., $15, 1980.
Citizens Legal Defense Fund, $15, 1980.
Fund for Conservative Majority, $50, 1980.
Bauman for Congress, $100, 1980.
Reagan for President, $25, 1980.
Bauman for Congress, $25, 1980.
Official MD-Reagan Delegate Comm., $400, 1980.
Nat'l Right-to-Work Foundation, $10, 1980.
Maryland Republicans—(dues), $15, 1981.
Rock Creek Women's Repub. Club, $10, 1981.
Republican National Committee, $25, 1981.
Howard Denis Campaign, $30, 1981.
Maryland Republican Party, $26, 1981.
Scott for Congress, $26, 1981.

Scott for Congress, $10, 1981.
Montg. Co. Repub. Century Club, $100, 1981.
Bauman for Congress, $10, 1981.
League of Republican Women, $15, 1981.
Maryland Founders Club, $100, 1981.
National Right-to-Work, $15, 1981.
Rock Creek Women's Repub. Club, $100, 1981.
Republican National Committee, $25, 1982.
GOP Century Club of Mont. Co., $100, 1982.
Montgomery Republican Fund, $30, 1982.
Hogan for Senate, $100, 1982.
League of Republican Women—DC, $25, 1982.
Neptune for Sheriff Committee, $25, 1982.
Hogan for Senate, $25, 1982.
Friends of Marian Greenblatt, $25, 1982.
Hogan for Senate, $100, 1982.
Friends of Connie Morella, $25, 1982.
Maryland Republicans, $50, 1982.
Cong. Bauman's 1982 Committee, $50, 1982.
Pascal for Governor, $25, 1982.
Spencer for Congress, $25, 1982.
Nat'l Republican Senatorial Comm., $20, 1982.
Friends of Jean Roesser, $20, 1982.
Hogan for Senate Campaign, $242, 1982.
Maryland Founders Club, $100, 1982.
Rock Creek Women's Repub. Club, $15, 1982.
Herbert Hoover's Repub Women's Club, $7.50, 1982.
League of Republican Women of DC, $25, 1982.
Repub. Women of D.C. (luncheon), $25, 1982.
Montg. Co. Federation of Rep. Women, $30, 1982.
Rock Creek Repub. Club (chances), $5, 1982.
League of Repub. Women (luncheon), $8, 1982.
Nat'l Repub. Senatorial Committee, $25, 1983.
Montgomery Co. Republicans, $25, 1983.
Robert Bauman Campaign, $20, 1983.
Rock Creek Women's Repub. Club, $10, 1983.
League of Rep. Women of DC (lunch), $31.50, 1983.
Montg. County Republican Club, $100, 1983.
Americans for the Reagan Agenda, $25, 1983.
Majorie Holt Campaign, $50, 1983.

5. Grandparents names: Ruth W. Staggers, (others deceased), none.

6. Brothers and spouses, names: Donald S. Lady, none.

7. Sisters and spouses names: None.

By Mr. DOLE, from the Committee on Finance:

Dodie Truman Livingston, of California, to the Chief of the Children's Bureau, Department of Health and Human Services.

By Mr. GOLDWATER, from the Committee on Armed Services:

Ann S. Peterson, of Illinois, to be a member of the Board of Regents of the Uniformed Services University of the Health Sciences for a term expiring June 30, 1989; and

M. Robert Hill, Jr., of California, to be a member of the Board of Regents of the Uniformed Services University for a term expiring June 20, 1989.

Mr. GOLDWATER. Mr. President, from the Committee on Armed Services, I report favorably the following nominations: Vice Adm. Robert L. Walters, U.S. Navy, age 58, to be placed on the retired list, Lt. Gen. James R. Brickel, U.S. Air Force, age 53, to be placed on the retired list, and Maj. Gen. Harry A. Goodall, U.S. Air Force, to be lieutenant general. I ask that these names be placed on the Executive Calendar.

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

Mr. GOLDWATER. Mr. President, in addition, in the Army there are 35 appointments to the grade of major general (list begins with Robert D. Hammond), in the Army National Guard there are 33 appointments to the grade of major general and below (list begins with Colin C. Campbell), in the Air Force there are six appointments to the grade of lieutenant colonel and below (list begins with Gary L. Henriksen), in the Air National Guard there are 33 promotions into the Air Force Reserve to the grade of lieutenant colonel (list begins with Jerald K. Aoki), in the Air Force there are 58 permanent promotions to the grade of lieutenant colonel (list begins with Alan M. Akers), in the Air Force there are 113 permanent promotions to the grade of colonel (list begins with Joe W. Abdelnour), in the Air Force there are 11 permanent promotions to the grade of major (list begins with Timothy M. Carlos), in the Air Force there are 485 permanent promotions to the grade of major (list begins with Paul N. Anderson), in the Army there are 37 appointments to the grade of captain (list begins with Chester P. Beach, Jr.), in the Army three are 254 appointments to the grade of second lieutenant (list begins with Harold L. Abner), in the Army there are 2,947 permanent promotions to the grade of lieutenant colonel and below (list begins with Christopher C. Pixton), in the Navy Reserve there are 753 permanent promotions to the grade of commander (list begins with David Earl Adams, Jr.), and in the Navy there are 757 appointments to the permanent grade of lieutenant commander (list begins with Jesse Ramirez Ada). Since these names have already appeared in the CONGRESSIONAL RECORD and to save the expense of printing again, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of July 23, 1984, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. EXON (for himself and Mr. ZORINSKY):

S. 2885. A bill to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to establish and conduct for a period of five fiscal years a streambank erosion prevention and control demonstration program in Nebraska; to the Committee on Environment and Public Works.

By Mr. GOLDWATER:

S. 2886. A bill for the relief of George K. Jue (also known as Jue Gar King and Jew Ten); to the Committee on the Judiciary.

By Mr. INOUYE:

S. 2887. A bill for the relief of Mr. Clarito Maximo Felipe; to the Committee on the Judiciary.

By Mr. JOHNSTON:

S. 2888. A bill for the relief of Ernst B. Coumou; to the Committee on the Judiciary.

By Mr. GRASSLEY:

S. 2889. A bill to provide for administrative agencies to waive certain claims of the United States; to the Committee on the Judiciary, by unanimous consent.

By Mr. DECONCINI (for himself and Mrs. HAWKINS):

S. 2890. A bill to require that Presidential primaries or caucuses be held only during the period beginning on the second Tuesday in March and ending on the second Tuesday in June of the year of the Presidential election; to the Committee on Rules and Administration.

By Mr. BAUCUS:

S. 2891. A bill to amend the act entitled "An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes" and to amend the Federal Land Policy and Management Act of 1976 to exempt the National Park Service and the Bureau of Land Management and the Fish and Wildlife Service from certain requirements; to the Committee on Energy and Natural Resources.

By Mr. STAFFORD (for himself and Mr. RANDOLPH):

S. 2892. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S. 2893. A bill to amend the Internal Revenue Code of 1954 to repeal the limitation on the aggregate face amount of private activity bonds, and for other purposes; to the Committee on Finance.

By Mr. MELCHER (for himself, Mr. LEVIN, Mr. BAUCUS, Mr. SASSER, Mr. DECONCINI, Mr. JEPSEN, Mr. HATFIELD, Mr. EAGLETON, Mr. BURDICK, Mr. BOREN, and Mr. RANDOLPH):

S. 2894. A bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accrual rules in the case of sales of residences, farms, and real property used in a trade or business; to the Committee on Finance.

By Mr. BENTSEN:

S. 2895. A bill to provide additional benefits under the medicare part A program, and additional optional benefits under the medicare part B program; to the Committee on Finance.

By Mr. BOSCHWITZ:

S. 2896. A bill providing for a reduction in the duty on certain fresh asparagus; to the Committee on Finance.

By Mr. MOYNIHAN:

S. 2897. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify effective date provisions retroactively applying benefits guarantees to certain

pension plans; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. EXON:

S. 2885. A bill to authorize and direct the Secretary of the Army, acting through the Chief of Engineers, to establish and conduct for a period of 5 fiscal years a streambank erosion prevention and control demonstration program in Nebraska; to the Committee on Environment and Public Works.

NEBRASKA STREAMBANK EROSION PREVENTION AND CONTROL DEMONSTRATION ACT

Mr. EXON. Mr. President, today I am introducing the Nebraska Streambank Erosion Prevention and Control Demonstration Act of 1984.

This measure is vitally needed in my home State of Nebraska to address the problem of economic losses attributable to the severe flood damage which periodically threatens thousands of acres of valuable farmland. Streambank erosion losses have been astronomical over the last several years and Federal assistance is desparately needed to mitigate future losses of this important agricultural resource.

The bill I am introducing today establishes a so-called section 32 program specifically for Nebraska. Section 32 authority which provided for a nationwide program of streambank erosion control demonstrations was a part of the 1974 Water Resources Development Act. This important program which, over a 5-year period, constructed demonstration projects including bank protection works on the Missouri River, expired at the close of fiscal year 1982.

Mr. President, surely no one knows the State's water needs better than the State itself. Washington certainly is not in a position to tell the State what its water needs are today. For this reason, I have consulted with the Nebraska Department of Water Resources and the Nebraska Natural Resources Commission in fashioning this legislation.

The Twin Platte Natural Resources District deserves great credit for this measure. In addition, I have heard from local water leaders such as the Central Platte Natural Resources District as well as the chairman of the Nebraska Legislature's Public Works Committee. The input from all of these Nebraska water experts advised that a comprehensive, statewide streambank erosion control and prevention program was needed.

The bill provides flexibility, both to the State in targeting priority demonstration sites and to the corps in terms of the approach to each demonstration site and the appropriate methods employed in addressing streambank erosion needs in various geographical locations and environmental conditions. The bill does require that, at a minimum, three areas of the state specifically identified by the House in H.R. 3678 participate in the demonstration program.

In addition, however, the corps will be required to give equal attention and consideration to other areas identified by the State for demonstration projects. State officials have expressed needs for streambank erosion protection on the Republican River and the Blue River. Also, other reaches of the Platte River in Merrick County and Platte County have been noted as priority areas which would benefit from demonstration projects.

The primary goal of the original section 32 national streambank erosion and prevention control program was to develop a vigorous effort to demonstrate low-cost measures for retarding or preventing erosion damage. The program demonstrated six economical bank protection projects in Nebraska along the Missouri River's reach from Fort Randall Dam to Ponca.

Mr. President, the bill I have introduced today authorizes a comprehensive approach for statewide bank stabilization demonstration projects for the State of Nebraska designed to provide a section 32 type program for preventing and reducing the serious loss of productive farmland. This bill is similar to an amendment adopted last June 29, 1984, by the House.

Unlike the House-passed bill, this measure authorizes a comprehensive statewide program. The House-passed bill restricted demonstration projects to three specific sites. This bill includes these sites initially and at a minimum, but requires the corps to include other areas identified by the State. The bill authorizes a 5-year program at a funding level currently estimated to be $25 million. This figure will be adjusted periodically for inflation. This bill makes it clear that it is a bank stabilization program and that, as such and just like the national section 32 program, the Federal Government will fully fund the projects. Operation and maintenance costs become the responsibility of the non-Federal sponsors of each demonstration project at the end of the 5-year demonstration period.

A most important aspect of this legislation is the establishment of a Nebraska Streambank Erosion Advisory Board. It is vital that the Corps of Engineers coordinate and consult with this panel of State and local officials in determining priority needs of the State. This advisory panel is important because these State and local officials know the water needs of the State. Washington cannot tell the State what its water needs are in this area.

The Corps of Engineers will coordinate and consult with this panel in determining specific demonstration project sites for all reaches of the various rivers determined to be priority needs by this group. The actual makeup of this panel is discretionary with the corps, however, at a minimum, should include representatives of the Nebraska Department of Water Resources, the Nebraska Natural Resources Commission, and various leaders of the affected natural resource districts, in addition to others.

This panel shall advise the corps generally, in carrying out the provisions of this measure. This corps will regularly consult with this panel for recommended demonstration site locations, criteria for the selection and development of demonstration sites, and various methods employed in the demonstration to address streambank erosion and prevention. The corps will conduct periodic reviews of the progress of the program with this advisory panel.

The legislation is designed to give both the advisory panel and the corps flexibility in determining appropriate streambank erosion prevention and control techniques. Again, the State knows its needs much better than Washington. Delineating in the law specific duties of the corps in carrying out projects could deplete valuable and scarce funds on activities which may not be effective in addressing low-cost approaches to this problem.

This bill is vitally important to Nebraska and I urge the Senate's most expeditious consideration and support.

By Mr. GRASSLEY:

S. 2889. A bill to provide for administrative agencies to waive certain claims of the United States; to the Committee on the Judiciary by unanimous consent.

PAYMENT OF TRAVEL, TRANSPORTATION, AND MOVING COSTS

● Mr. GRASSLEY. Mr. President, today I am introducing legislation which would provide a more equitable and expeditious procedure to remedy situations where the Government has erroneously made a payment or denied a payment to a Federal employee for travel, transportation, and relocation costs. This measure has the full support of the General Accounting Office and the Office of Management and Budget.

Under current law, when a Federal employee is granted an overpayment for travel, transportation, or moving costs and relies on that payment in good faith, the responsible agency cannot review the circumstances and grant a waiver for the employee's liability. Waiver authority is, however, statutorily provided to the agencies for any other type of erroneous payment.

The result of this hold in the waiver statute has been the introduction of several private relief bills in Congress

to provide equitable remedies for individuals who have relief on the Government's misinformation. The Senate Judiciary Subcommittee on Administrative Practice and Procedure, which I chair, has recommended waivers for 30 individuals already this Congress. This legislation would transfer that waiver authority to the agencies which are not only more directly involved with the employee's claim but already have the procedural apparatus in place for all other waiver requests.

Since the first general waiver authority statute was enacted in 1967, dramatic changes have evolved in the diversity and scope of travel and relocation carried out in the Government's interest. The GAO has concluded that holding an employee to a standard of constructive knowledge of complex travel and relocation regulations in certain instances is unreasonable, particularly when even those charged with administering the regulations make mistakes in determining an employee's entitlement.

This bill, and the waiver statute it amends, does not confer liability on the Government for all erroneous payments, but rather recognizes that hardship has resulted in many travel, transportation, and relocation cases, and employees have been required to make substantial refunds to the Government due to errors which were not their fault.

Fortunately, these reimbursement mixups are rare, but when they do occur it is only fair that they are corrected in a speedy manner. A recent example of misinterpreted regulations occurred when Ronald Goldstock accepted a transfer to a position in the Department of Labor requiring him to move from New York to Washington, DC. A factor influencing Goldstock's decision to transfer was the assurance that costs associated with the sale of his home would be reimbursed. He entered the amount of costs incurred on an offical form authorizing the entitlement, and received the requested reimbursement. It was after Goldstock received this payment and began working with the Labor Department that he was informed such expenses are not reimbursable for employees in his specific transfer situation and was required to pay back the $6,176 relocation cost.

Mr. Goldstock's liability to the Government was waived through a private relief bill, but could have been processed administratively in a less complicated manner and with fewer delays. The administrative waiver procedure is immediately subject to the oversight responsibility of the Comptroller General. Under this bill, agency performance would continue to be evaluated by GAO during onsite reviews of agency operations and doubtful cases and appeals would continue to be submitted to the Comptroller General for review.

Significantly, the GAO has advised that performance under the existing waiver authority has proven that this type of legislation is practical and fair both to the individual and the Government.

This bill would amend the existing waiver statutes, 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 3716 to permit waiver of travel, transportation, and relocation expense overpayments to Federal civilian employees, military and National Guard personnel. Agency authority for waiver is limited to claims of not more than $500. Claims in excess of that amount must be considered by the Comptroller General.

Passage of this bill, Mr. President, will not only relieve Congress of the burden of addressing these equitable claims through numerous private relief bills, but provide a more efficient and fair procedure for remedying erroneous payment situations. I urge my colleagues to join me in supporting this measure.●

By Mr. DECONCINI (for himself and Mrs. HAWKINS):

S. 2890. A bill to require that Presidential primaries or caucuses be held only during the period beginning on the second Tuesday in March and ending on the second Tuesday in June of the year of the Presidential election; to the Committee on Rules and Administration.

TIME PERIOD FOR PRESIDENTIAL PRIMARIES AND CAUCUSES

Mr. DECONCINI. Mr. President, I am introducing legislation today which will put limits on the ever-lengthening Presidential campaign. The legislation will prevent any Presidential primaries or caucuses from being held before the second Tuesday in March or after the second Tuesday in June.

It seems reasonable to me that 3 months is long enough for a candidate for President to persuade voters that he or she is the best candidate for the job. Not only are the American people tired of a long campaign, but I believe they are becoming increasingly worried about its effect on public policy government decision making.

I am also hopeful that by limiting the primary season we will slow down the inflation of the costs of running a Presidential campaign. By setting a beginning date of the second Tuesday in March for the actual selection delegates, we may be able to avoid what we have seen so much of lately—the earlier and earlier beginnings of presidential campaigns.

The present system of primaries and caucuses allows too much emphasis to be placed by both candidates and the media on one or two small States. This legislation will diminish the disproportionate effect of the few small States which have, in the past, had primaries or caucuses outside the normal campaign period. Without a definite beginning and ending date, the temptation has existed for a State or a few States to gain an inordinate influence on the selection process. With several primaries and caucuses occurring on the first and last opportunities in March and June, neither the candidates nor the media will be able to focus a disproportionate amount of time or resources on one State.

Three months is a long enough time for the American people to make a wise and considered choice of Presidential nominees. It is long enough to allow for the ebb and flow inherent in all political campaigns. As we saw in the Democratic primary race this year, momentum in a campaign can change from week to week. The 3 month period will give all candidates an equal opportunity to seek the nomination.

I do not believe it is in the best interests of the American people nor the candidates themselves to have the primary season drag out indefinitely. The legislation we will introduce today will stop the persistent advance of the beginning of the campaigning and will result in a fairer and more sensible nominating process.

Mrs. HAWKINS. Mr. President, I am pleased to join with Senator DECONCINI in the introduction of this measure to limit the length of the Presidential primary season. Under this bill, Presidential primaries will be held beginning on the second Tuesday in March, and the last primaries will be held no later than the second Tuesday in June during the Presidential election years.

Mr. President, it is time we took steps to bring some sanity to the Presidential primary process. We have all seen the lengthy, expensive, and tiring series of primaries that this year's Presidential candidates have been forced to participate in during the 1984 election year. We have also seen the intense media hype associated with those primaries and up and down roller coaster ride of each candidate's fortunes. The seemingly endless, night-after-night coverage of the different primaries, coverage of the candidates, and even the media's coverage of the media's coverage of the primaries provide the American public with exhaustive, and I mean truly exhaustive, look at the Federal Presidential process. Of course this process is important. Of all the blessings we enjoy in the United States, our open political process is the most precious.

The strength of our entire way of life rests upon our economic and political freedom. However, we need to

keep the length of the Presidential nominating process in proper perspective. In fact, we need to keep all the activities of the political parties, their candidates, even the importance of Congress itself in perspective. Time and time again, the majority leader has eloquently spoken of the need to shorten the time the Congress meets each year. Hopefully, by getting out of Washington and back home again, Senators can keep in better communication with the people they represent and avoid the often politically fatal Potomac fever.

In the same way, I believe we need to adjust our approach to the Presidential nominating process. The bill we are introducing today is an attempt to restore some sanity to the Presidential selection process. It will allow the Nation to focus its attention directly on the primaries during the spring and early summer of the Presidential election year, on the national nominating conventions during the summer months, and on the general election in the fall.

Mr. President, this is a simple, practical bill. It does not affect any political party's delegate selection process. It does not touch the authority of the parties to determine their own rules. It does not affect the conduct of national nominating conventions. It does not affect the timing of those conventions. It does limit the primary season to approximately 14 weeks during the Presidential election year. I believe this is a prudent step to take in the orderly conduct of our electoral system. I urge my colleagues to support this bill.

By Mr. BAUCUS:

S. 2891. A bill to amend the act entitled "An Act to improve the administration of the National Park System by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes," and to amend the Federal Land Policy and Management Act of 1976 to exempt the National Park Service, the Bureau of Land Management, and the Fish and Wildlife Service from certain requirements; to the Committee on Energy and Natural Resources.

EXEMPTION OF CERTAIN AGENCIES FROM PROVISIONS OF OMB CIRCULAR A-76

● Mr. BAUCUS. Mr. President, today, I am introducing a bill to prohibit the implementation of OMB Circular A-76 in our national parks, wildlife refuges and BLM administered lands.

The Department of the Interior has entered into an ambitious program to increase the contracting of Federal jobs at the expense of natural resource protection and public safety. I am deeply concerned that with the current resolve to contract-out legitimate park protection funds, our parks and national wildlife refuges will be irreparably harmed.

Our parks and refuges are our most prized possessions. They represent the heritage that makes this country what it is. The care, management, and maintenance of these resources is of utmost importance to all Americans.

National parks and refuges are managed by career employees who routinely perform at a level far above their mere job description. They work often as temporary employees year after year because the concept of national parks and wildlife refuges is in their blood. These employees care for the resource. They care about the visitors. To hastily destroy a system that is developed over a long period of time for short-term cost reductions is foolhearty. Many of these privatization schemes have been tried in the past and they have failed. When they do fail, it is the resource that suffers.

THE PROBLEM

The problem is that the Department of the Interior is more interested in reducing employment levels than insuring that resource protection and public safety are maintained as part of any contracting-out of existing functions. I for one, support contracting-out nongovernmental functions. The private sector plays a large and important role in our national parks in providing concessionary services, such as food and lodging. These services are provided for through existing law. These functions are not inherently governmental and therefore should continue to be contracted-out.

What concerns me is that services such as road maintenance and trail maintenance which, although on their surface appear to be nongovernmental, are intimately tied to the overall management of the resource. In many cases, in a national park a road maintenance worker may be the only contract that the public has with a park employee. During times of life-threatening situations, these types of employees play an important role in protecting the public.

During debate on the agricultural supplemental appropriations resolution (H.J. Res. 492), I offered an amendment to temporarily bar the National Park Service from implementing the Office of Management and Budget Circular A-76 relating to contracting-out. This amendment was accepted by both the House and the Senate.

But, it has not solved the problem. The Department of the Interior, confirming my worst fears regarding the overriding desire to reduce Federal employment at the natural resource protection, has used this amendment as a mandate to not slow down contracting-out, but to actually speed it up.

This action is irresponsible.

For nearly 2 years, the Interior Department like all Federal offices, has been working toward implementing the newly revised guidelines of Office of Management and Budget Circular A-76. The Interior Department has adopted an accelerated schedule for its implementation and is forcing the Park Service, the Fish and Wildlife Service, and the Bureau of Land Management to meet this accelerated schedule.

Unrealistic deadlines are being set. I am concerned that questionable decisions concerning the future management of fragile natural resources are being made.

At my request, the General Accounting Office undertook an investigation into the implementation of Circular A-76 within Glacier National Park. The results of this investigation are very disturbing. I ask unanimous consent to have copies of correspondence within the Park Service regarding contracting-out within Glacier National Park inserted in the RECORD at the end of my statement. Glacier National Park undertook a careful evaluation to delineate those functions which were nongovernmental as part of roads and trails maintenance from those functions that are governmental in nature. In other words, Glacier National Park staff carefully investigated and reviewed each function under the heading of roads and trails maintenance to determine whether or not the activity would threaten natural resource protection or public safety. They then proposed to contract out.

What they learned was that the A-76 project is an efficiency, not an effectiveness program. It is focused on inputs to commerical services assuming the results will remain the same. It is clear to me that the effectiveness of the outputs will not remain at a high level under OMB Circular A-76 implementation.

I believe that Congress must act decisively, once and for all on this issue. It is for that reason that I have introduced legislation to restrict contracting-out to those functions specifically identified by Congress. In other words, there is a sound body of existing law where Congress has thoughtfully evaluated the management of our natural resource agencies and determined what functions are governmental in nature and what functions are nongovernmental in nature. Any further contracting-out should only occur after the same type of careful review and evaluation.

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

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, May 18, 1984.

In apply refer to: A6621(230).

To: Assistant Director, Financial and Data Systems Field Directorate.

From: Director.

Subject: Impact on A-76 Program as a result of proposed Senate Resolution (issuance #24).

The proposed legislation in Congress will place additional pressure on us to meet our deadlines and to produce quality documentation for submission to the Secretary and Congress. We are providing an analysis of the potential impact of the resolution and the actions we feel necessary if the legislation passes. Obviously, the same actions are required if the legislation does not pass, however, it is possible that there would be additional pressure to produce the documents prior to October 30.

REQUIREMENTS

The resolution requires two things:

1. For the 62 high priority activities, the following conditions apply:

a. That complete detailed A-76 reviews of all activities, whether above or below ten FTE, must be completed.

b. That the Service has 30 days to review bid results and transmit recommendations to various committees in the House and Senate.

c. That after transmission to the House and Senate, 30 days be allowed to lapse prior to any further action, and that all recommendations for the 62 activities be submitted to Congress by October 30, 1984.

2. The NPS shall not solicit additional bids related to other A-76 activities before January 30, 1985.

IMPACT

The first requirement could seriously affect the activities which are scheduled to reach a decision subsequent to July 27. It could also affect additional activities if the projected date for a decision is prior to July 27 and that date is not met.

The second requirement provides us with an opportunity to gather data and prepare necessary documentation on additional activities in a more effective manner. However, we must achieve sufficient progress to be prepared for solicitation in January for the additional 40 priority activities.

ACTION

1. The Regional Directors, Chief of Data Systems, and Service Center Managers will be held responsible for the completion of the high priority activities so that complete, accurate, and properly executed A-76 packages will reach the Washington Office by August 1, 1984.

2. A complete package of documents for the A-76 reviews consists of a) Executive Summary; b) Management Study; c) Performance Work Statement; d) Cost Estimate with back-up data; e) the independent reviewer's signature on line two of the CCF; and f) for those activities which did not produce any bids, findings and determinations to document this action taken to identify commercial sources, including solicitation notices placed in the Commerce Business Daily.

3. The Service will forward the completed packages of A-76 reviews to the Department which will submit them to Congress. We will need documentation on any decision that we previously reached, with or without cost comparison, and the Assistant Secretary's certification.

4. We must have your completed documentation as soon as possible. However, as a guide, we have developed the following schedule. By missing any of these dates, our chance of meeting the schedule will be jeopardized.

6/15 Submit synopsis of the solicitation to the Commerce Business Daily.

6/29 Submit package to WASO for Certification by the Assistant Secretary.

7/27 Complete Cost Comparison, open bids.

8/10 Make preliminary decision.

9/7 All A-76 Review packages must be received in WASO/

9/14 (WASO) submits all documentation to Department.

10/30 (DOI) submits all documentation to Congress.

5. You should continue to collect data, complete Management Studies, and prepare Solicitations on the 40 activities on the inventory previously identified to be completed by September 30.

SUMMARY

I want to stress the importance of meeting the deadlines while also preparing quality documentation. You must ensure that the products are of a quality which will pass Departmental and Congressional scrutiny.

Enclosed is a copy of the Milestone Guide for your region or office. We have highlighted those where we believe there may be a problem in meeting the schedule, assuming the projected dates are accurate.

MARY LOU GRIER.

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Denver, CO, June 5, 1984.

In reply refer to: A5419 (RMR-AM).

To: Superintendents, Bighorn Canyon National Recreation Area, Bryce Canyon National Park, Glacier National Park, Grand Teton National Park, Rocky Mountain Park and Yellowstone National Park.

From: Acting Regional Director, Rocky Mountain Region.

Subject: Impacts of Senate Resolution on A-76.

Attached is a memorandum from the Director with schedules dictated by the Senate Resolution pending in the Senate (also attached). Please note that all review packages; performance work statements, cost analyses and management studies are due June 29, 1984. The Yellowstone Solid Waste package has received Assistant Secretarial certification so we finally know our CSI contract format, deduction provisions, management study methodology and cost model are tested and approved.

Each park has previously been requested to provide various inputs to complete the review process. Those products are needed expeditiously in order to meet the mandated deadlines. Cost analyses and management studies will also be sent to you for your review, comment and concurrence. These will require quick turnaround to meet the deadlines; however, the sooner we receive your review products the sooner we will be able to provide the cost analyses and management studies.

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, DC, June 18, 1984.

To: Regional Director, Rocky Mountain Region.

From: Acting Director.

Subject: Glacier National Park, reply due: June 21.

We are providing copies of correspondence from Assistant Secretary Arnett and the Director, Office of Acquisition and Property Management, relating to Glacier National Park. I expect you to proceed with the management study of the entire road maintenance activity in accordance with the normal A-76 process. The memorandum from the Director, Office of Acquisition and Property Management, offers some suggestions on preparing the performance work statement and the solicitation. You should consider these suggestions when developing your overall timetable.

Since Glacier National Park is one of the 62 priority activities, it is critical that we establish a timetable consistent with other commitments which I have made. You need to work with Superintendent Haraden in developing the schedule, which must be submitted to the Department.

The Staff at the Park have accumulated considerable data in developing the "core" concept. This work should not be wasted, but, rather, needs to be relied upon in developing the final management study and subsequent solicitation.

MARY LOU GRIER.

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 13, 1984.

To: Director, National Park Service.

From: Assistant Secretary for Fish and Wildlife and Parks.

Subject: "Core Concept" approach to Glacier National Park road maintenance A-76 review.

After careful consideration, I have decided that it is inappropriate to approach A-76 reviews in general and in specific in the manner proposed by Glacier National Park in their review of road maintenance. In this particular case, I am not convinced that the management and protection of park resources and the maintenance of park roads are inseparable, as is contended by the current staff proposal. In addition, we have finally reached agreement on the A-76 inventory; to accept Glacier's "core concept" proposal would provide incentive to other parks to similarly tamper with the inventory and avoid the work necessary to fulfill the intent of the Circular. Neither I nor the Department nor the Under Secretary will entertain any further modifications to this agreed upon list of activities to be reviewed. Therefore, since road maintenance and resource management are separate, clearly definable functions, and since the activity currently on the inventory covers the entire road maintenance function, a defined commercial activity, the management review and solicitation of bids should address all aspects of the activity, not just those relatively minor functions arbitrarily defined as "non-core". Please proceed with the management study of the entire activity and advise me of your schedule for completing the review.

I realize the park has some serious concerns about the ability to write an adequate performance work statement and solicita-

tion. In this regard, I urge you to follow the approach outlined in the June 6, 1984, memorandum from the Director, Office of Acquisition and Property Management (copy attached).

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 6, 1984.

To: Director, National Park Service.
Through: Assistant Secretary for Fish and Wildlife and Parks.
From: Director, Office of Acquisition and Property Management.
Subject: Glacier National Park's A-76 proposal.

This memorandum forwards our proposal, which I discussed with you during our meeting on May 30, 1984, to address some of the concerns raised by Glacier National Park regarding the problems with writing specifications for some of the commercial activities identified in their inventory.

After careful consideration of Glacier National Park's proposal which was presented to Richard Powers, Susan Kaplan, and Cecile Bouchard of this Office, on May 21 and 22, 1984, as Glacier Park, we recommend the following approach:

1. Request technical expertise from the Denver Service Center to assist Glacier National Park to write clear, quantifiable and measureable specifications.

2. Prepare a draft performance work statement describing the tasks to be performed and put together a solicitation. A Request for Comments should then be issued in the Commerce Business Daily and the local newspaper. The request should state that the Government is requesting private sector comments on the solicitation and to submit, by a specified date, any problems or concerns they may have with the solicitation. The problems and concerns raised by the private sector should then be used to revise the performance work statement and solicitation accordingly.

After these two steps have been accomplished, and if the responses are favorable, then the Park should proceed with the A-76 review. If it is determined through the responses that a market does not exist, for the type of work described, then this finding, along with supporting documentary should be forwarded to your Office with a copy to this Office. We would then jointly agree on what additional steps should be pursued.

Please provide me with a timetable for each step in this proposal by June 22, 1984. Any questions regarding this memorandum should be referred to Ms. Cecile Bouchard on telephone number 343-3345.

R.W. PIASECKS.

[Memorandum]

U.S. DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Denver, CO, June 18, 1984.

In reply refer to: A5419 (RMR-AM).
To: Superintendent, Glacier National Park.
From: Acting Regional Director, Rocky Mountain Region.
Subject: A-76 Review of Glacier National Park, road activity, reply due: June 20, 1984.

Last Friday you received the memorandum from the Department and Assistant Secretary regarding the core concept developed by your park. Enclosed is a memorandum from the Director directing you to proceed with the study of the entire road maintenance activity in accordance with the normal A-76 process.

You repeatedly stated that this case deserved full hearing and that you were prepared to complete the review process if the proposal was unsuccessful. That decision has now been made. We are confident that the in-house bid will be very efficient in comparison with private industry and will prevail in the bidding competition.

As indicated in the Department memorandum we must inform them of your intentions to complete the review process. We can no longer banter about the implementation of A-76.

We have made every effort to present to WASO the operational problems of implementing the program by offering core and other concepts. Glacier has placed itself and this Region in the limelight with the A-76 program. We must now show that once a decision is made, we will support it and strive to complete the review process in the same conscientious manner in which the core concept was developed.

The Department has requested a review schedule by June 22, 1984. Please advise us by noon, June 20, 1984, of the schedule to complete the performance work statement, keeping in mind the milestones outlined in Issuance #24 as a result of the pending Senate resolution regarding A-76. We are responsible for the management study and cost analysis, and we will develop schedules for completion of those components based on your timetable.

In developing your schedule a few observations should give encouragement. First, the nine specifications (sweeping, dusting, snow markers, litter pickup, container maintenance, mowing, dock and ramp maintenance, seal coating and vista clearing) provided with your proposal are superb. With the addition of a performance requirements summary and some additional data, they will be ready for immediate solicitation. It is fortunate you are readily equipped to develop quality specifications. Apparently specifications for spring opening and continuous snow removal are drafted which should ease the workload. Second, the wealth of information assembled for the core proposal is a tremendous ready-reference for completing the general requirements and the historical workload for each of the subactivities in the review. The latter is extremely important; the most prevalent problem in the current review is the lack of historical data to make a solicitation possible. Each requirement must provide a reasonable range or frequency for a package to be biddable. This is also necessary for the Government to prepare its bid on the same basis as a contractor. The following guidelines are offered for the specifications phase.

1. Continue using the CSI format.

2. Group similar work together; asphalt, drainages, event related etc. Specifications are already developed for many of these routine operations. The major work will be estimating frequency and time periods.

3. Complete the performance requirements summary as you develop each section. Since the historical data is necessary to make packages biddable, the other pertinent information, e.g., response times, will be available from the same sources.

4. Consider using the special projects subactivities for a pre-price option to retain flexibility in the event of contract performance.

5. In your schedule, provide for submitting sections as they are completed to hasten the review process.

For the remainder of the review the following process will be followed.

1. The rationale for the deduct amount specified should be provided to Contracting with each section.

2. A GOCO decision package should be developed for the disposition of equipment, facilities and stockpiled materials.

3. Contract administration requirements will be evaluated when the entire contract is finished.

4. The MEO must be developed in accordance with the regional cost model. This will require specifying the frequency and time required for each subactivity in productive hour terms. We suggest the current FTE in your proposal be put aside for this process and used for reconciliation purposes later. A simplified input form for labor cost will be available shortly.

5. The list of materials and supplies may be done on a worksheet basis at the activity level.

As a general guideline we hope to receive the asphalt specifications within three weeks and each remaining package in two-week intervals. We know the time frame is short but we must support the Director if we are to regain credibility in the A-76 program.

HAROLD P. DANZ.●

By Mr. STAFFORD (for himself and Mr. RANDOLPH):

S. 2892. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

THE SUPERFUND AMENDMENTS OF 1984

● Mr. STAFFORD. Mr. President, on behalf of myself and Senator RANDOLPH, I am introducing a set of proposed amendments to the Superfund law, which is formally referred to as the Comprehensive Environmental Response, Compensation, and Liability Act.

Although this is the first time that these amendments have been introduced, they are not new. These amendments are a refined and perfected version of amendments which were drafted during June and circulated widely during June and July. Based on the comments made by members of the Committee on Environment and Public Works, the administration, and outside groups, substantial and important changes have been made from the original versions. For that reason, I believe these amendments can form the basis of a bill to be considered by the full Senate during the September work period, assuming that the committees of jurisdiction can complete their work in time.

This is not to say, however, that these amendments are cast in stone. On the contrary, much more work remains to be done. Not only must these amendments be further perfected, but new amendments need to be added. This proposal can be the starting point, however. It is for this reason that Senator RANDOLPH and I, as the ranking minority member and chairman of the Committee on Environment and Public Works, are introduc-

ing this bill. Tomorrow, the committee will begin marking up an extension of the Superfund law. Our first order of business will be to review the revenue options which are available in raising the money which is needed to operate the Superfund program for the next 5 years. Although we will review these options tomorrow, I do not expect that the committee will make any decisions until the following week.

On Thursday, I hope that we will continue our markups by beginning consideration and approval of specific amendments to the Superfund Program. Once these are completed, thus enabling us to calculate the program's total costs, I hope that the committee can return to consideration of various revenue measures and make the necessary decisions. With hard work and luck, I hope that we can complete our markups and order a bill reported by the middle of next week, thus enabling the Committee on Finance to complete its work in time for markups in September or before.

Mr. President, this is an ambitious undertaking, but one which I am confident we can complete. Indeed, if we hope to see the program continue its momentum and realize its potential, it is a task which we must complete.●

● Mr. RANDOLPH. Mr. Chairman, I join the able chairman of the Committee on Environment and Public Works, Senator STAFFORD, in introducing legislation to reauthorize the Comprehensive Environmental Response, Compensation, and Liability Act, commonly known as Superfund.

Our committee has completed hearings on this subject and will begin meeting tomorrow to consider legislative proposals. More than a month ago a series of documents was prepared describing various approaches to Superfund-related issues. These proposals were widely circulated and have elicited many responses and suggestions. These have been helpful in refining approaches to Superfund issues.

A draft bill has been prepared and will be the document before the committee as it begins its deliberations tomorrow. Senator STAFFORD and I are introducing this bill so that it can be formally before the committee and will be available for further public circulation.

I emphasize that this bill is intended as the vehicle for the committee to act on reauthorization of Superfund. It is not the precise, detailed proposal of myself or any other member. I am not irrevocably committed to any of its provisions, although I agree with its approach on several points. I anticipate that in the days ahead we will discuss the bill's provisions in detail and that amendments will be offered and voted on.

The one point on which I believe most committee members agree, however, is that it is desirable to reauthorize the Superfund Program this year even though current authorization extends through fiscal year 1985.

Superfund addresses one of the most serious and pervasive environmental problems in our country. It was designed to correct past abuses by helping to clean up hazardous waste sites. By acting now we will provide continuity to this vital program and give it the additional resources necessary to carry out its mandate, the need for which is now known to be considerably more extensive than when the initial law was passed in December 1980.●

By Mr. SPECTER:

S. 2893. A bill to amend the Internal Revenue Code of 1954 to repeal the limitation on the aggregate face amount of private activity bonds, and for other purposes; to the Committee on Finance.

REPEAL OF TAX CAP ON INDUSTRIAL DEVELOPMENT BONDS

Mr. SPECTER. Mr. President, I am today introducing legislation to repeal the recently enacted tax cap on industrial development bonds and the restrictions placed on existing facilities and to extend the sunset date on the small issue exception for nonmanufacturing bonds to December 31, 1988.

The Deficit Reduction Act, signed into law by the President on July 18, limited the amount of industrial development bonds which a State or locality may issue within the State, to the greater of $150 per capita or $200 million. The $150 per capita amount will be reduced to $100 after 1986.

The act also restricts the use of IDB's to finance the acquisition of land and existing facilities. In addition, it extends the small issue only with respect to manufacturing facilities.

I believe that the recently enacted restrictions on these bonds will impede the economic recovery in a large number of States. For example, Pennsylvania's IDB Program will be capped at $1.77 billion until 1987 when the small issue exemption will be eliminated, at which time it will be reduced to approximately $1.2 billion. Pennsylvania approved over $2.1 billion in IDB's and student loan bonds in 1983. With the redoubled efforts of Pennsylvania to recover from the recession, IDB approvals would have risen significantly in 1985 and later years. Thus, the institution of the cap will penalize Pennsylvania at a time when it is most in need of economic incentives to maintain and attract business investments. As many as a dozen other States would be significantly and immediately impacted and in the next 4 years at least a dozen more should reach this ceiling.

The existing facilities restrictions will have an additional negative impact on the State. Pennsylvania currently has more than 800 buildings with over 67 million square feet available for occupancy. In addition, the State government has undertaken a program to promote the establishment of small business incubators across the State to help new businesses start up and assist them to their early, most difficult stages. This and similar efforts to revitalize the State's economy would be seriously hampered as businesses are required to spend an additional 15 percent of the amount of bond proceeds used to acquire existing buildings and related equipment for the rehabilitation of the facility.

Pennsylvania is also encouraging the purchase of businesses by employees through ESOP's [employees stock ownership plans]. The 15 percent requirement might prevent the use of IDB's in financing certain of these takeovers, thereby significantly increasing the eventual purchase cost.

Interest on State and local government obligations generally has been exempt from Federal taxation since the initiation of the Federal income tax in 1913. These recent efforts to place additional restrictions on IDB's are directly contrary to this principle and seemingly contrary to recent attempts to more clearly delineate the role of Federal, State, and local governments in the so-called New Federalism. It also negates State and local efforts to reduce the impact of some of the recent Federal budget cuts. For example, tightening of income eligibility requirements for Federal guaranteed student loans was cushioned by the increase in student loan bonds. The use of IDB's has also ameliorated the reductions in the programs of the Economic Development Administration and Appalachian Regional Commission. While critics of these bonds may argue that these efforts frustrate Federal budget policy, to the contrary they seemingly have helped to reduce the negative impact of budget cuts.

Recent changes in the Tax Code should, over the long run, reduce the need for these bonds. The reduction in the maximum tax rate from 70 percent to 50 percent and expansion of other tax favored investment options such as individual retirement accounts [IRA's] and various other tax shelters should lessen individual and institutional demand for tax exempt bonds.

The legislation I am proposing today would go a long way toward retaining the role of these bonds in the economic development of many States. In addition to the tax cap and existing facilities restrictions, the failure to extend nonmanufacturing small issue IDB exception past 1986 would have a serious crippling affect on economies such as Pennsylvania, which utilize large amounts of these bonds.

I am hopeful that the Senate Finance Committee will give this bill careful consideration, particularly since the Senate took a strong position

in the Deficit Reduction Act against the implementation of the tax cap.

I ask unanimous consent that the text of the bill and a dear colleague letter be printed in the RECORD as follows.

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

S. 2893

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

SECTION 1. REPEAL OF PRIVATE ACTIVITY BOND LIMITATION AND THE RESTRICTION ON USE OF IDB'S TO ACQUIRE EXISTING FACILITIES

(a) IN GENERAL.—Section 103 of the Internal Revenue Code of 1954 (relating to interest on government obligations), as amended by the Deficit Reduction Act of 1984, is amended—

(1) by striking out paragraph (17) of subsection (b),

(2) by striking out subsection (n), and

(3) by redesignating subsection (o) (as added by section 626 of the Deficit Reduction Act of 1984) as subsection (n).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to obligations issued after December 31, 1983.

SEC. 2. EXTENSION OF SMALL ISSUE IDB EXCEPTIONS FOR NONMANUFACTURING FACILITIES

Subparagraph (N) of section 103(b)(6) of the Internal Revenue Code of 1954 (relating to termination dates) is amended to read as follows:

"(N) TERMINATION DATE.—This paragraph shall not apply to any obligation issued after December 31, 1988 (including any obligations issued to refund an obligation issued on or before such date).".

U.S. SENATE,
Washington, DC.

DEAR COLLEAGUE: I have introduced legislation which will repeal the recently enacted tax cap on Industrial Development Bonds and restrictions placed on existing facilities as well as extend the sunset date on the small issue exception for non-manufacturing bonds to December 31, 1988.

The Deficit Reduction Act, signed into law by the President on July 18, limited the permissible issuance of Industrial Development Bonds to the greater of $150.00 per capita or $200 million for each state. In addition, the Act restricted the use of IDBs to finance the acquisition of land and existing facilities and extended the small issue sunset only with respect to manufacturing facilities.

If the cap is left intact, as many as a dozen states in addition to Pennsylvania will be significantly and immediately impacted by these restrictions and in the next four years at least a dozen more should reach this ceiling. The existing facilities restrictions and small issue exception sunset for non-manufacturing bonds will affect all states.

Interest on state and local government obligations has generally been exempt from federal taxation since the initiation of the federal income tax in 1913. Recent efforts to place additional restrictions on IDBs are directly contrary to this principle and seemingly counter recent attempts to more clearly delineate the role of federal, state and local governments. These provisions also negate state and local efforts to cushion the impact of recent federal budget cuts. For example, tightening of income eligibility requirements for federal guaranteed student loans was cushioned by the increase in student loan bonds.

The legislation which I have proposed would go a long way toward maintaining the positive role of Industrial Development Bonds in the economic development of many states. If you are interested in cosponsoring or desire more information please contact me or have a member of your staff contact Janet Rice at 4-8187.

Sincerely,

ARLEN SPECTER.

By Mr. MELCHER (for himself, Mr. LEVIN, Mr. BAUCUS, Mr. SASSER, Mr. DECONCINI, Mr. JEPSEN, Mr. HATFIELD, Mr. EAGLETON, Mr. BURDICK, Mr. BOREN, and Mr. RANDOLPH):

S. 2894. A bill to amend the Internal Revenue Code of 1954 to clarify the application of the imputed interest and interest accrural rules in the case of sales or residences, farms, and real property used in a trade or business; to the Committee on Finance.

CLARIFICATION ON APPLICATION OF IMPUTED INTEREST

● Mr. MELCHER. Mr. President, today I am offering along with Senators LEVIN, BAUCUS, SASSER, DECONCINI, JEPSEN, HATFIELD, EAGLETON, BURDICK, BOREN, and RANDOLPH legislation to permit seller-financed contracts, sometimes known as contracts for deed, to continue to carry a 9-percent interest rate for:

First, the first $250,000 of the sale price for residential property sold by an individual;

Second, the first $1.5 million of the sale price of farm or ranch property sold by an individual, estate, partnership, or small business corporation; and

Third, the first $500,000 of the sale price of real property associated with the sale of a small business, rather than the higher imputed interest rates required by the 1984 Tax Act.

I want to take just a moment to trace the developments in the 1984 Tax Act that have brought us to this point. Provisions were added in both the House and Senate versions of the 1984 Tax Act that raise the amount of interest that must be charged in seller-financed contracts on real property to 110 percent of Treasury securities with comparable maturities. Provisions of the bills stated that if the seller/lender did not write an interest rate in the mortgage contract of at least 110 percent of Treasury rates, then the Internal Revenue Service has authority to tax the seller as if the interest received from the contract amounted to 120 percent of Treasury rates.

What this means is that if such seller financing arrangements were based on today's interest rates, a seller would have to report a taxable interest rate of approximately 15 percent, or the IRS would impute the interest rate at about 16½ percent.

It is not difficult to accept the fact that, under such prohibitive interest rate requirements, seller financing is going to be drastically reduced if not brought to an end altogether.

Because of the draconian impact of this proposal, on June 29, 1984, the Tax Act was amended to permit contracts to continue to be written at 9 percent for sales of farm and ranch land under $1 million and for the sale of principal residences under $250,000. I do not believe these two exemptions are adequate. They do not provide any relief to small businesses, most of which are sold using at least some seller financing; they do not permit individuals to sell second homes or residential investment property except at prohibitive interest rates; and the farm and ranch land property limits are too restrictive.

Further, there is a real chance that, under the provisions of the Tax Act just signed into law, a cliff exists whereby if a sale of farm or ranch land amounts to even one cent more than the $1 million exemption then the entire sale is subject to the higher interest rates set in this Tax Act.

Personally, I would like to see the provisions raising imputed interest rates completely repealed. I don't think that the Federal Government, through the IRS, ought to be telling private citizens what interest rates they must charge in connection with their own private business deals. But, it that can't be done, we ought to at least take some minimum steps to ensure that the changes in the 1984 Tax Act that require higher imputed interest rates on seller-financed property sales do not kill off the last avenue many people have for buying and selling property during this period of increasing commercial interest rates.

The 1984 Tax Act goes way beyond any previous attempts by the IRS to penalize sellers who offer below commercial rates interest rates. It goes too far in changing the rules for seller financing of real property.

The Internal Revenue Service claims that higher imputed interest rates are needed to stop tax abuse in seller financing. Yet, there has not been one study or any evidence that I know of that proves there is any tax abuse. If future studies do find any problems, then we should take specific actions to correct those problems. But the approach taken in the 1984 Tax Act is a meat-ax approach that is not justified. It is in fact a repulsive intrusion by Government. It is an embarrasing outrage dictoral in nature which is not appropriate for a democratic republic.

The bottom line in all of this is, "What is best for the average taxpayer and the economy?" I believe the

damage inflicted on our economic recovery by the new rules on imputed interest rates in seller financing clearly halt a large number of property sales. The effect of these changes will be to simply stop all seller financing of small business sales as well as most residential property and farm and ranch land. It isn't going to be Gulf, or Exxon, or IMB that will be hurt by these changes; it will be the small farmer, rancher or business person who will lose their last opportunity to sell part or all of their property. And it is going to be the person looking to purchase such properties, but who is disqualified by the high commercial interest rates, who will not be able to get a start by purchasing property from sellers willing to set a lower interest rate.

As I said earlier, I do not believe that the Federal Government should be in the business of dictating what interest rates must be in transactions between private individuals. However, at the very minimum, we should ensure that Congress isn't responsible for increasing interest rates required on small sales of property at a time when rising commercial interest rates are already killing off property sales.

I urge my colleagues to join in the effort to bring some common sense back to the Internal Revenue Service's treatment of seller-financed contracts on the sale of real property. Time is of the essence, and action must be taken before the end of the congressional session if these new rules are not to go into effect on January 1, 1985.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

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

S. 2894

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection (e) of section 483 of the Internal Revenue Code of 1954 (relating to reduced rate of interest in case of sales of principal residences or farms) is amended to read as follows:

"(e) REDUCED RATE OF INTEREST IN CASE OF SALES OF RESIDENCES, FARMS, OR REAL PROPERTY USED IN A TRADE OR BUSINESS.—

"(1) IN GENERAL.—In the case of any debt instrument arising from a sale or exchange to which this subsection applies, the discount rate under subsections (b) and (c)(1)(B) shall not be greater than 10 percent and 9 percent, respectively.

"(2) SALES OR EXCHANGES TO WHICH THIS SUBSECTION APPLIES.—This subsection shall apply to any sale or exchange—

"(A) of a residence by an individual,

"(B) of a farm (within the meaning of section 6420(c)(2))—

"(i) by an individual, estate, or testamentary trust,

"(ii) by a corporation which as of the date of the sale or exchange is a small business corporation (as defined in section 1244(c)(3)), or

"(iii) by a partnership which as of the date of the sale or exchange meets requirements similar to those of section 1244(c)(3), or

"(C) of real property used in a trade or business by any person in connection with the sale or exchange of such trade or business.

"(3) DOLLAR LIMITATION.—

"(A) IN GENERAL.—Paragraph (1) shall not apply to the portion of the stated principal amount of the debt instrument arising from the transaction which exceeds the applicable limit.

"(B) APPLICABLE LIMIT.—For purposes of this paragraph, the term 'applicable limit' means the limit determined in accordance with the following table:

"If the transaction is decribed in:	The limit is:
Paragraph (2)(A)	$250,000
Paragraph (2)(B)	1,500,000
Paragraph (2)(C)	500,000.

"(C) REDUCTION IN APPLICABLE LIMIT WHERE SALES PRICE EXCEEDS APPLICABLE LIMIT.—In the case of any transaction with respect to which the sales price exceeds the applicable limit, the applicable limit shall be the amount which bears the same ratio to the applicable limit as—

"(i) as the applicable limit, bears to

"(ii) the sales price.

"(D) AGGREGATION RULES.—For purposes of this paragraph—

"(i) all debt instruments arising from any transaction (or any series of related transactions) shall be treated as 1 debt instrument, and

"(ii) all sales and exchanges which are part of the same transaction (or a series of related transactions) shall be treated as 1 sale or exchange.

"(E) SALES PRICE.—For purposes of this paragraph, the sales price shall be determined as of the time of the sale or exchange.

"(4) APPLICATION WITH SUBSECTION (f).—In the case of any qualified sale (as defined in subsection (f)(2)), the applicable limit determined under paragraph (3) shall be reduced by the amount of any debt instrument to which subsection (f)(1) applies.".

(b) Subparagraph (A) of section 1274(c)(2) (relating to exceptions from the determination of the issue price in the case of certain debt instruments issued for property) is amended to read as follows:

"(A) SALES OF RESIDENCES, FARMS, AND REAL PROPERTY USED IN A TRADE OR BUSINESS.—Any debt instrument to the extent of that portion of the stated principal amount to which section 483(e) applies.".

(c) Subparagraph (F) of section 1274(c) (relating to exceptions for sales or exchanges to which section 483(e) applies) is amended by striking out "section 483(e)" in the text and heading thereof and inserting in lieu thereof "section 483(f)".

SEC. 2. The amendments made by this Act shall take effect as if included in the amendments made by the Tax Reform Act of 1984.●

IMPUTED INTEREST

● Mr. SASSER. Mr. President, in passing the Deficit Reduction Act of 1984, we once again created reams of new tax material for the American taxpayer to wade through. Tucked away in this sea of paper was a provision which promises to be highly detrimental to small business owners and agricultural producers. I refer to the imputed interest sections of the tax package.

This provision was included in the tax bill at the insistance of the administration. Treasury Department officials believed there were numerous abuses of provisions in the Tax Code which allowed individuals to sell homes, farms and small businesses at interest rates far below what one presently finds in the open market. Such abuses were costing the Government millions of dollars, administration officials proclaimed.

I do not quarrel with efforts to close abusive tax loopholes and have supported such action on the Senate floor in the past. However, I must take exception to the notion that all sales of small business concerns and small ranches that make use of 9- or 10-percent interest rates amount to tax evasion. In reality, such transactions can represent a struggle for economic survival.

This is true as many sales in the small business community and the farm sector during this period of continued high interest rates are seller-financed arrangements. Commercial interest rates are simply too high for most persons interested in purchasing a small business or small farm. These transactions are able to go forward only if the parties can enter into a seller-financed agreement with interest rates several points below the exorbitant commercial rates.

While one can see the potential for abuse in allowing such arrangements, the 1984 tax bill goes much too far in fashioning a solution to this problem. Under that bill, sellers of real estate are required to report as interest income an amount equal to at least 110 percent of the interest rates on marketable obligations of the U.S. Government with a comparable maturity. Should the reported interest rate not equal this amount, the Internal Revenue Service will impute an interest rate of 120 percent. Using today's interest rates, one would have to report a taxable interest rate of 14½ percent on such transactions or the IRS would impute an interest rate of 16 percent.

While the 1984 tax bill does provide relief from these provisions for farm and ranch sales under $1 million and principal residences under $250,000, this is not enough. I am therefore proud to join with my colleague from Montana as an original cosponsor in his effort to restore greater equity to the imputed interest issue. Our legislation would allow seller-financed contracts to continue to carry a 9-percent interest rate in the following situations: the first $250,000 of the sale price of residential property sold by an individual, the first $1.5 million of the sale price of farm or ranch property sold by an individual, partnership,

estate or small business corporation, the first $500,000 of the sale price of real property associated with the sale of a small business.

These additional safeguards are necessary to insure that the changes made in this year's tax bill do not close off the opportunity to sell a small business or farm in the face of high commercial interest rates. Those in these categories who enter into seller-financed arrangements are not tax cheats or evaders for the most part Mr. President. They are men and women who cannot sell their small business, their farm, their ranch or their residence at prevailing commercial interest rates.

The Finance Committee is meeting later this week to discuss the matter of imputed interest rates. It is my hope that the committee will opt to act on their own volition and resolve this dispute. Should a compromise prove untenable, we stand ready with our legislation to address this matter of importance to many small businesses and farmers. I urge my colleagues to join with us in this effort.●

By Mr. BENTSEN:

S. 2895. A bill to provide additional benefits under the Medicare part A program, and additional optional benefits under the Medicare part B program; to the Committee on Finance.

HEALTH CARE CATASTROPHIC LOSS PREVENTION ACT

● Mr. BENTSEN. Mr. President, millions of elderly Americans live in dread of prolonged illness; they know that, all too often, they can survive the illness but be ruined by the expense of treatment. This shadow of doubt, this specter of unavoidable financial disaster, is the constant companion of the elderly. Even people of means, who have worked and saved for a lifetime, are vulnerable to the financial jeopardy that can accompany serious illness.

The availability of Medicare and medicaid provide some important protection. But, as millions of the elderly can attest, there are gaps in the system that can quickly lead to financial disaster. Indeed, after a year of intensive study, the 1982 Advisory Council on Social Security concluded that:

> While the hospital insurance program of Medicare, Part A provides adequate coverage for most beneficiaries, it does not provide adequate protection in the event of catastrophic illness.

We have worked hard to improve and buttress our social security system so it will provide a substantial measure of protection against loss of income and guarantee a minimum standard of living for workers who have contributed so much to America. Unfortunately, our Medicare system has not matched that success; the elderly of America remain in jeopardy from financial ruin associated with illness. The legislation I am introducing today is designed to address the problem of long-term illness which is frequently and increasingly expensive to treat.

These proposals, Mr. President, have been developed in consultation with private insurance carriers, the American Association of Retired Persons, and Medicare program experts at the Georgetown University Center for Health Policy Studies. In addition, the legislation draws heavily from testimony presented to the Joint Economic Committee earlier this year by Dr. Karen Davis of Johns Hopkins University, the National Council of Senior Citizens, the Blue Cross and Blue Shield Association, and the Health Insurance Association of America. While all of the provisions included in this bill are not endorsed by each group or individual, the expertise and guidance which they provided was invaluable.

Before turning to a detailed explanation of my legislation, let me review the economics of illness among the elderly today, and the failure of the present Medicare program to provide adequate protection.

HEALTH CARE COSTS

The elderly—people age 65 and older—comprise 12 percent of our total population. But they account for 33 percent of all personal health care expenses; they consume 31 percent of all hospital services; 28 percent of all physician services; 24 percent of all prescription drug sales; and 80 percent of nursing home costs.

People under 65 in our society can plan on paying about $825 per year on health care; those over 65 average almost $3,100. This is an astounding and significant difference. Health care is clearly a major—potentially catastrophic—expense for the elderly in this country.

Health care for the elderly is purchased from several sources. Medicare pays for about 45 percent, or $1,422 of the per capita bill. The balance is made up from alternative sources including private insurance, public programs such as Medicaid, and direct out-of-pocket expenditures.

Medicare, however, is limited. It requires substantial cost sharing for covered benefits, and does not reimburse for numerous medical services such as prescription drugs, dental care, and eyeglasses. Specifically, the elderly pay a deductible for the first day of hospital care—projected to be $404 in 1985, one-fourth of the amount for days 61 through 90 of hospital care for each episode of illness, and one-half of that amount for each day of care in a lifetime reserve period of 60 days. Between 1965 and 1982, nearly 663,000 persons were forced to dip into their reserve days. Should the elderly beneficiary exhaust these days of care, as more than 100,000 beneficiaries have, Medicare ceases to provide coverage and all additional hospital expenses become the responsibility of the individual.

Physician services represent another serious source of uncontrollable costs for the elderly. Currently, Medicare covers only about 50 percent of physician charges. The program is designed so that, after a deductible of $75 for each year, the beneficiary is responsible for 20 percent of physician fees, if the physician is willing to accept the Medicare determined fee for service provided. However, only about half of the physicians who see Medicare patients take assignment under the program, and beneficiary liability for the costs above the fee level set by Medicare is open ended.

The elderly also incur significant financial obligations for services not covered under the program. Most nursing home care is outside the scope of Medicare. Prescription drugs, dental services, hearing aides, eyeglasses, and other services essential to an individual's well-being are not reimbursable.

FINANCIAL EXPENDITURES FOR HEALTH BY THE ELDERLY

Most recent proposals to reduce the size of the Medicare Program proceed from the assumption that the elderly are not cost conscious and must be encouraged to bear a greater share of the financial cost of care.

There is little evidence to support the notion that elderly Americans are not prudent purchasers of health services. Instead, it can be argued that the elderly are already cost conscious consumers of health care because they must bear a substantial portion of any costs incurred.

Medicare and Medicaid were the source of nearly $50 billion of health care funding for the elderly in 1981. Yet despite these programs, the Congressional Budget Office estimates that average out-of-pocket expenditures will reach nearly $1,100 in 1984—$505 in cost sharing, $162 in part B premiums, and an average of $550 in noninstitutional noncovered services such as prescription drugs and dental care. If nursing home costs are added, the total climbs to more than $1,700.

Nor is the financial burden of health care costs for the elderly equitably distributed across the beneficiary population. Some elderly enjoy good health and have little need for health care services while others suffer from chronic illnesses or disabling conditions. While Medicare and Medicaid provide support for many with the most serious health problems, there continue to be gaps in coverage which are particularly serious for those of modest income and for individuals who are victims of long-term illness.

Because of the broad demographic variation among the elderly, health expenditures are also skewed. For example, in 1981 nearly 80 percent of the elderly were responsible for annual

Medicare expenditures of $1,000 or less—and nearly one-half of that number generated no Medicare payment at all. At the other extreme are those older Americans who require extensive care; less than 8 percent account for two-thirds of all Medicare payments, with an average payment of $11,000 in 1981.

Out-of-pocket costs are especially burdensome for those who do not carry supplementary insurance or who must contend with long-term chronic health problems. Dr. Karen Davis, of the Johns Hopkins University Department of Health Policy and Management, has estimated that elderly households covered only by Medicare spend 11 percent of their incomes on health services, compared with 5 percent for those covered both by Medicare and Medicaid, and 8 percent for those who supplement Medicare with private insurance.

Davis and her colleagues suggest the heavy financial burden on the elderly of modest means is partly attributable to their inability to afford private health insurance. Surveys reported by the Blue Cross and Blue Shield Association confirm that finding. According to Davis' data, only 47 percent of those with modest means have private insurance, as opposed to 78 percent of the high-income elderly.

Even persons with supplementary private coverage can experience significant medical expenses if they become seriously ill. Among the elderly whose health costs exceeded $2,500 in 1977, those with Medicare alone spend 37 percent of their disposable income on health services, those with Medicare and Medicaid coverage spent 9 percent of their income, and those with Medicare and private insurance spent 18 percent of their income on health bills.

Looking at this situation from a slightly different perspective, persons who relied on Medicare alone in 1977 and who spent more than $2,500 on health care, committed 53 percent of their income to these services; for the same year and the same expenditure level, persons covered by both Medicare and Medicaid spend about 10 percent of their incomes; and for the Medicare beneficiary with private supplementary insurance, out-of-pocket health expenses accounted for 30 percent of income. It should be noted that these figures represent only the financial burdens borne by those who live at home; the strain of underwriting the cost of nursing home care for the elderly ineligible for Medicaid can pose even greater hardships.

MEDIGAP INSURANCE POLICIES

The private insurance industry has reduced the likelihood of catastrophic medical bills for the elderly in some measure with policies to supplement medicare coverage. This coverage, commonly termed "MediGap", at a minimum must provide reimbursement for Medicare coinsurance costs and deductibles under parts A and B. Some Medicare beneficiaries purchase additional coverage, including policies to reimburse outlays for unlimited hospitalization or prescription drugs. Approximately 20 of the 30 million Medicare beneficiaries now carry some type of MediGap insurance and pay over $8 billion annually in premiums.

Supplementing Medicare with private insurance is no guarantee of financial security, however, for the very ill. As noted above, those with medical expenses above $2,500 who had MediGap policies paid 30 percent of their income toward the cost of health care in 1977. With average policies currently costing about $500 per year, it is no surprise to find that the purchase of MediGap insurance varies greatly by income level. A recent six-State study by SRI found, for example, that between 45 percent and 60 percent of those without MediGap policies lacked them because of cost. Yet with health care outlays averaging 3½ times higher for persons 65 and over, moderate income elderly are dangerously exposed to financial loss from extended illness.

A CATASTROPHIC COVERAGE PROGRAM

Mr. President, these statistics demonstrate beyond any doubt that, despite the availability of Medicare, Medicaid, and supplementary private insurance policies, elderly men and women face the risks of major out-of-pocket expenditures if they fall victim to a serious and prolonged illness. That risk increases with age. It is higher among the elderly of modest means and most acute among the sicker beneficiaries. Risks exist because Medicare does not provide: Payment of physician fees above the level determined by medicare to be "reasonable"; compensation for noncovered services such as prescription drugs, dental care, and eyeglasses; complete coverage of hospital costs on physician fees; expenses for extended hospitalization.

In light of our burgeoning deficit and the threatened insolvency of trust funds, extending Medicare coverage to the first two categories listed above should not be attempted until a major restructuring of the overall program takes place. As my colleagues are aware, the cost of medical care has been the fastest growing component of inflation and considerable effort is being made to slow medical inflation.

Forty-six States passed more than 300 bills last year designed to rein medical costs. Another 400 proposals are on the agenda this year. Ten States have established some form of mandatory rate setting. Eight more have this option under serious review. And, Medicare exercises a measure of control over costs through implementation of the new fixed reimbursement DRG payment system for hospitals and the fee screen freeze for part B physician services.

These efforts have tended to shift medical costs to private patients, and have generated a number of proposals for comprehensive reform of the health care system. But even the most optimistic projection for implementation of additional reforms indicate that changes will be slow in coming and incremental in nature.

The third category of out-of-pocket expenditures not reimbursable under Medicare is deductibles imposed on beneficiaries who become ill. This year, deductibles are set at $356 for each "spell of illness" when the patient is hospitalized, and $75 for physician charges. These deductibles are used to encourage beneficiaries and health care providers to consider carefully before seeking hospitalization or extensive treatment. And, while they represent a sizable sum for many beneficiaries on fixed income, they do tend to discourage overuse.

The final categories of out-of-pocket costs facing Medicare beneficiaries are extended hospitalization and the 20 percent of physician service cost not covered by medicare.

CATASTROPHIC COVERAGE PROVISIONS

The legislation I am introducing today is intended to stimulate dialog and move the discussion over reform of the Medicare system toward resolution of this gap in catastrophic coverage. By offering a proposal to improve the scope of Medicare insurance separate from recommendations to cut benefits, I hope to decouple these two issues which the current administration has attempted to market together. In short, I do not believe the elderly should be forced to accept deep reductions in the current level of Medicare coverage as the price for protection against financial ruin.

The Health Care Catastrophic Loss Prevention Act of 1984 will eliminate the risk of major financial loss resulting from extended hospitalization and will permit the beneficiary to purchase supplemental insurance coverage for the 20-percent physician service copayment through the Medicare Program. Under part A hospitalization insurance, out-of-pocket costs begin rising on the 61st day of hospitalization. That is wrong. Medicare should be revised, I believe, to provide coverage of hospital costs for an unlimited period beyond the first day's deductible in order to eliminate one major source of potential financial disaster for the long-term ill.

For those who subscribe to part B of Medicare, only 80 percent of reasonable physician fees are presently reimbursable. The balance is an out-of-pocket obligation that can swell dramatically for the seriously ill. That too is wrong. And, I believe that to simpli-

fy administration of the program and encourage physicians to accept medicare as full payment for service, the program should pay 100 percent of all reasonable physician fees beyond the $75 deductible.

Finally, beneficiaries pay far too large a share of the costs of skilled nursing home [SNF] care under part A. As the DRG reimbursement system is fully implemented and hospitals are given financial incentives to promote early discharge of Medicare patients, I think it particularly important to protect beneficiaries from excessive cost sharing in skilled nursing facilities. Under my proposal, the number of SNF days for which Medicare reimbursement is permissible would be increased from 100 to 150, and the maximum out-of-pocket cost of care to the beneficiary would be limited to 15 percent of reasonable charge for days 1 through 10. Current copayments would be reduced by approximately 75 percent, and total liability for this portion of the benefit would be limited to about $225 in 1984.

In addition to these programmatic changes, my legislation calls upon the Secretary of the Department of Health and Human Services to conduct an extensive evaluatiuon of the economic burden on the elderly arising from the trend toward increased nursing home utilization. The use of intermediate and custodial care facilities is rising rapidly. This care is a substantial financial burden to the elderly and their families and is beyond the reach of many. Moreover, few if any private health insurance policies cover such care. My legislation requires the consideration of establishing a self-financing mechanism within Medicare to provide for long-term nursing home care. One in four Medicare beneficiaries currently utilizes such care, with an average stay of about 450 days.

Revising the Medicare program as I propose cannot be financed from tax revenues. That would deepen Federal deficits, which already pose a grave danger to long-term economic growth. Treasury financing of these deficits is already crowding out substantial private investment and has pushed the prime interest rate, for example, up 1.5 percentage points in 8 weeks. Other interest rates have risen a sharp 3 percentage points since last spring.

Instead, my proposal would permit benefit revisions to be self-financed. And the most reasonable financing technique is to adopt the insurance principle of spreading the cost of expanded coverage across the entire beneficiary population—thereby limiting the cost per beneficiary to a nominal amount. Specifically, I propose to finance the part A benefit revision covering hospital bills as well as the revised skilled nursing coinsurance provision with a mandatory monthly premium. Preliminary calculations by the Health Policy Center at Georgetown University suggest that these benefit extensions can be entirely financed with a monthly premium of $3.75 per enrollee. To simplify administration, the premium would be deducted automatically from the monthly Social Security, railroad, or civil service retirement check.

The proposed expansion of part B benefits to include reimbursement for 100 percent of reasonable physician fee charges is more costly. Even so, it is important that these benefits be provided as inexpensively as possible. As noted earlier, about 10 million elderly have no medigap insurance and face catastrophic risks because for many, the average monthly premium of $40 is insurmountably high. Making available lower cost protection for at least the 20-percent coinsurance component of part B may sharply reduce the number of elderly without such protection. The Georgetown University Health Policy Center estimates that medicare could expand such coverage to include all reasonable physician fees for approximately $16 in new monthly premiums. Since the basic part B coverage is voluntary, this additional coverage should also be optional to Medicare subscribers.

To avoid what the experts term "adverse selection," where those most likely to need health services seek coverage in disproportionate numbers, it is appropriate to have a 1-year waiting period for new subscribers. Of course, additional premiums would not be paid during that interval. For persons already enrolled in medicare, subscription to this expanded part B coverage without a waiting period would be permitted when the new coverage starts. For future subscribers that will occur when they first become eligible for the Medicare program. During hearings preparatory to the development of this legislation, it became apparent that there may be a limited number of individuals whose private retirement benefits include a measure of catastrophic insurance coverage as a supplement to Medicare. In some cases, the employer bears the full cost of any premiums as part of the former employee's retirement benefits package. The Department of Health and Human Services has little information about the extent of this practice or the scope of coverage provided by these policies. Therefore, my legislation instructs the Secretary to determine whether the Medicare beneficiary already has adequate protection against catastrophic loss, and if so, to exempt that individual from participation in this program.

SUMMARY

In sum, Mr. President, my proposal is designed to protect older Americans against open-ended expenses associated with long-term illness while at the same time maintaining the basic structure of the current Medicare Program. My proposal is self-financing and will not exacerbate the solvency problems facing the Medicare trust funds, but will provide the elderly assurance that as the Congress debates major reform of the health care system, they will be protected from the financial ruin that can accompany a serious illness. In the area of nursing home care, my proposal alleviates the fiscal burden on beneficiaries who are discharged from hospitals to skilled nursing facilities—a trend that most experts believe will accelerate with full implementation of the new fixed payment reimbursement system for hospitals. Further, this legislation calls for a comprehensive review of nursing home costs and options for Federal initiatives. Perhaps most importantly, the proposal streamlines the Medicare Program by eliminating confusion over coverage and administration of the current program. Difficulties for beneficiaries, physicians, and hospitals over coordination of benefits between Medicare, Medicaid, and Medigap policies will be reduced. Physicians willing to take assignment of fees would receive their full reimbursement from the Medicare intermediary, and would be able to dispense with the dual billing systems now used to reach both the intermediary and the beneficiary.

Finally, the proposal is sufficiently limited in scope that private insurance companies will continue to be able to write supplementary policies to cover a wide array of services—examples include drugs, long-term nursing home care, and any physician charges above the reasonable fee prescription level established by Medicare.

I ask unanimous consent that the full text of my legislation, the Health Care Catastrophic Loss Prevention Act of 1984, be printed in the RECORD.

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

S. 2895

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

SHORT TITLE

SECTION 1. This Act may be cited as the "Health Care Catastrophic Loss Prevention Act of 1984".

ADDITIONAL BENEFITS UNDER PART A

SEC. 2. (a) Section 1812(a)(1) of the Social Security Act is amended to read as follows:

"(1) inpatient hospital services;".

(b) Sections 1812(a)(2)(A) and 1812(b)(2) of the Social Security Act are each amended by striking out "100 days" and inserting in lieu thereof "150 days".

(c) Section 1813(a)(1) of such Act is amended to read as follows:

"(1) The amount payable for inpatient hospital services furnished an individual during any spell of illness shall be reduced by a deduction equal to the inpatient hospital deductible, or, if less, the charges imposed with respect to such individual for such services, except that, if the customary

charges for such services are greater than the charges so imposed, such customary charges shall be considered to be the charges so imposed. A deduction shall not be made under this paragraph more than twice in any calendar year.".

(d) Section 1813(a)(3) of such Act is amended to read as follows:

"(3) The amount payable for post-hospital extended care services furnished an individual during any spell of illness shall be reduced by a coinsurance amount equal to 15 percent of the amount which otherwise would be payable under section 1814 for each day, before the eleventh day, on which he is furnished such services during such spell of illness.".

(e) Part A of title XVIII of such Act is amended by adding at the end thereof the following new sections:

"AMOUNTS OF PREMIUMS

"SEC. 1819. (a)(1) The amount of the monthly premium under this part for any calendar year shall be an amount equal to the monthly actuarial rate which the Secretary estimates to be necessary so that the aggregate of such premiums for such calendar year will be equal to the total of the additional benefits and administrative costs which will be payable from the Federal Hospital Insurance Trust Fund for services performed and administrative costs incurred in such calendar year for providing the additional benefits described in subsection (b). In calculating the monthly actuarial rate, the Secretary shall include an appropriate amount for a contingency margin. In September of each year the Secretary shall promulgate the premium amount which shall be applicable for the following calendar year.

"(2) If any monthly premium determined under paragraph (1) is not a multiple of 10 cents, such premium shall be rounded to the nearest multiple of 10 cents.

"(b) For purposes of this section and section 1820, the 'additional benefits' are the additional days of inpatient hospital services and post-hospital extended care services, and the reduced deductibles and coinsurance amounts, provided by the amendments made by section 2 of the Health Care Catastrophic Loss Prevention Act of 1984.

"(c) Payment of the premium under this section shall be made in the same manner as payment of the part B premium is made under section 1840, except that the amounts collected or transferred shall be deposited in the Treasury to the credit of the Federal Hospital Insurance Trust Fund.

"MODIFIED BENEFIT PACKAGE FOR INDIVIDUALS HAVING PRIVATE INSURANCE

"SEC. 1820. (a) Upon request made by an individual, in such manner and including such information as the Secretary may require, the Secretary shall determine whether such individual is entitled to hospital insurance benefits under any benefit plan other than this part, provided without cost to such individual, which are equal to or greater than the additional benefits described in section 1819(b). If the Secretary makes an affirmative determination with respect to such individual, such individual shall not be entitled under this part to the additional benefits described in section 1819(b), and shall not be required to pay the premium under section 1819(a), for so long as such individual continues to be entitled to such benefits under such other plan.

"(b) An individual may request the Secretary to determine whether such individual has ceased to be entitled to such benefits under such other plan, or the Secretary may make such a determination on the Secretary's own motion. If such a determination is made, such individual shall thereafter be entitled to the benefits described in section 1819(b), and shall be required to pay the premium determined under section 1819(a).".

(f) The amendments made by this section shall apply with respect to items and services furnished in, and premiums payable for, months beginning on or after October 1, 1985.

OPTIONAL BENEFITS UNDER PART B

SEC. 3. (a) Part B of title XVIII of the Social Security Act is amended by adding at the end thereof the following new section:

"ADDITIONAL OPTIONAL BENEFITS

"Eligibility

"SEC. 1845. (a) Any individual who is enrolled in the insurance program under this part may elect to receive the additional benefits described in subsection (b). Eligibility for such additional benefits shall be contingent upon payment of the premium described in subsection (c).

"Additional Benefits

"(b)(1) The additional benefits are that the individual shall be entitled to have payment made to him or on his behalf of the copayment amounts described in paragraph (2).

"(2) The copayment amounts are those amounts otherwise not payable under section 1833 solely by reason of the payment allowed under such section being set at a rate of less than 100 percent of the applicable factor (reasonable cost, reasonable charge, etc.), and which would otherwise be required to be paid by the individual, taking into account the provisions of section 1866(a)(2)(A).

"Amount of Premium

"(c)(1) Except as otherwise provided in paragraph (2), the amount of the monthly premium for any calendar year for individuals who choose to enroll under this section shall be an amount equal to the monthly actuarial rate which the Secretary estimates to be necessary so that the aggregate of such premiums for such calendar year will be equal to the total of the additional benefits and administrative costs which will be payable from the Federal Supplementary Medical Insurance Trust Fund for services performed and administrative costs incurred in such calendar year for providing the additional benefits under this section. In calculating the monthly acturial rate, the Secretary shall include an appropriate amount for a contingency margin. In September of each year the Secretary shall promulgate the premium amount which shall be applicable for the following calendar year.

"(2)(A) In the case of an individual whose coverage period began pursuant to an enrollment or reenrollment occurring after his initial opportunity to enroll (determined pursuant to subsection (d)(1)), the monthly premium determined under paragraph (1) shall be increased by 10 percent of the monthly premium so determined for each full 12 months (in the same continuous period of eligibility) in which he could have been but was not enrolled. For purposes of the preceding sentence, there shall be taken into account (i) the months which elapsed between the end of the month of his initial opportunity to enroll and the end of the open enrollment period in which he enrolled, plus (in the case of an individual who reenrolls), (ii) the months which elapsed between the date of termination of a previous coverage period and the end of the open enrollment period in which he reenrolled. Any increase in an individual's monthly premium under the first sentence of this paragraph with respect to a particular continuous period of eligibility shall not be applicable with respect to any other continuous period of eligibility which such individual may have.

"(B) For purposes of subparagraph (A), an individual's 'continuous period of eligibility' is the period beginning with the first day on which he is eligible to enroll under this section and ending with his death; except that any period during all of which an individual was entitled to hospital insurance benefits and which terminated in or before the month preceding the month in which he attained age 65 shall be a separate 'continuous period of eligibility' with respect to such individual (and each such period which terminates shall be deemed not to have existed for purposes of subsequently applying this paragraph).

"(3) If any monthly premium determined under the preceding provisions of this subsection is not a multiple of 10 cents, such premium shall be rounded to the nearest multiple of 10 cents.

"(4) Payment of the premium under this section shall be made in the same manner as payment of the part B premium is made under section 1840.

"Enrollment

"(d)(1) At the time when an individual becomes enrolled under this part (or, in the case of an individual who is so enrolled for the month of September 1985, on October 1, 1985) he shall automatically be enrolled by the Secretary in the additional benefits program under this section unless he notified the Secretary that he does not wish to be enrolled.

"(2) Any individual who declines to be enrolled under paragraph (1), or who terminates his enrollment, may not enroll or reenroll in such program until an open enrollment period which begins after such declination or termination. Open enrollment periods shall consist of the months of January, February, and March of each year.

"(3) Enrollment or nonenrollment shall be made only in accordance with regulations of the Secretary.

"(4) In any case where the Secretary finds that an individual's enrollment or nonenrollment in the program established by this section is unintentional, inadvertent, or erroneous, and is the result of the error, misrepresentation, or inaction of an officer, employee, or agent of the Federal Government, or its instrumentalities, the Secretary may take such action (including the designation for such individual of a special initial or subsequent enrollment period, with a coverage period determined on the basis thereof and with appropriate adjustments of premiums) as may be necessary to correct or eliminate the effects of such error, misrepresentation, or inaction.

"Coverage Period

"(e)(1) The period during which an individual is entitled to benefits under this section (referred to in this section as his 'coverage period') shall begin on the first day of the month in which he is enrolled pursuant to subsection (d)(1), or, in the case of any other enrollment or reenrollment, on the April 1 following the open enrollment period in which such enrollment or reenrollment was made. The coverage period, shall

continue until his enrollment has been terminated—

"(A) by the filing of notice that the individual no longer wishes to participate in the program established by this section, or

"(B) for nonpayment of premiums.

"(2) The termination of a coverage period under paragraph (1)(A) shall take effect at the close of the calendar quarter following the calendar quarter in which the notice is filed. The termination of a coverage period under paragraph (1)(B) shall take effect on a date determined under regulations, which may be determined so as to provide a grace period in which overdue premiums may be paid and coverage continued. The grace period determined under the preceding sentence shall not exceed 90 days; except that it may be extended to not to exceed 180 days in any case where the Secretary determines that there was good cause for failure to pay the overdue premiums within such 90-day period.

"(3) Where an individual who is automatically enrolled pursuant to subsection (d)(1) files a notice before the first day of the month in which his coverage period begins advising that he does not wish to be so enrolled, the termination of the coverage period resulting from such automatic enrollment shall take effect with the first day of the month the coverage would have been effective. Where an individual who is automatically enrolled pursuant to subsection (d)(1) files a notice requesting termination of his coverage in or after the month in which such coverage becomes effective, the termination of such coverage shall take effect at the close of the calendar quarter following the calendar quarter in which the notice is filed.

"(4) In the case of an individual satisfying paragraph (1) of section 1836 whose entitlement to hospital insurance benefits under part A is based on a disability rather than on his having attained the age of 65, his coverage period (and his enrollment under this section) shall be terminated as of the close of the last month for which he is entitled to hospital insurance benefits.

"(5) No payments may be made under this section with respect to the expenses of an individual unless such expenses were incurred by such individual during a period which, with respect to him, is a coverage period.".

(b)(1) Paragraphs (1) and (4) of section 1839(a) of such Act are each amended by inserting "(other than benefits and related administrative costs payable pursuant to section 1845)" after "such enrollees".

(2) Subparagraphs (A) and (B) of section 1844(a)(1) of such Act are each amended by striking out "under this part" and inserting in lieu thereof "under section 1839".

(c) The program of additional benefits under section 1845 of the Social Security Act shall become effective on October 1, 1985.

STUDY OF EXTENDED CARE SERVICES

SEC. 4. (a) The Secretary of Health and Human Services shall appoint a Commission on Extended Care Services (hereafter in this section referred to as the "Commission") to conduct a study of extended care services under the medicare program.

(b) The study shall include—

(1) how the medicare program might better provide protection against catastrophic costs of extended care;

(2) compilations and analyses of data with respect to the recipients of extended care services, including age, duration of care, costs of care in addition to the amounts paid by medicare, and sources of assistance, other than medicare, for paying such costs; and

(3) actions taken by States in the area of standard setting for, and auditing of, facilities providing extended care.

(c) The Commission shall consist of experts in the field of extended care services, and representatives from groups which represent the elderly.

(d) The Commission shall be appointed by the Secretary of Health and Human Services (without regard to the requirements of the Federal Advisory Committee Act) within 60 days after the date of the enactment of this Act. The Secretary shall from time to time appoint one of the members to serve as Chairman. The Commission shall meet as often as the Secretary deems necessary, but not less often than twice each year.

(e) Members of the Commission shall be appointed without regard to the provision of title 5, United States Code, governing appointments in the competitive service. Members who are not employees of the United States shall be paid at a rate equal to the per diem equivalent of the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day, including traveltime, during which they are engaged in the actual performance of duties vested in the Commission. While engaged in the performance of such duties away from their homes or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f) The Commission may engage such technical assistance from individuals skilled in extended care services as may be necessary to carry out its functions. The Secretary shall make available to the Commission such secretarial, clerical, and other assistance, and any pertinent data prepared by the Department of Health and Human Services, as the Commission may require to carry out its functions.

(g) The Secretary shall submit the results of the study, together with any recommendations, to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than October 1, 1985. The Commission shall terminate at the time such results are submitted.●

By Mr. BOSCHWITZ:

S. 2896. A bill providing for a reduction in the duty on certain fresh asparagus; to the Committee on Finance.

REDUCTION IN DUTY ON FRESH ASPARAGUS

● Mr. BOSCHWITZ. Mr. President, today I am introducing a bill to reduce the import duty on fresh asparagus shipped via air freight during the 60-day period from September 15 to November 15. Currently, imported fresh asparagus is subject to a 25-percent ad valorem duty for the entire year. This piece of legislation would lower the duty to 5 percent during the stated period, thereby guaranteeing that affordable supplies of fresh asparagus remain available when domestic supply is unable to meet consumer demand.

I am well aware that excessive imports of some agricultural commodities have hurt our domestic producers. The family of one of the members of my staff raises a substantial amount of asparagus, so I may know more about it than most Senators. I have carefully examined the possible negative effects of this bill and have found that its impact on domestic asparagus producers would be negligible.

Only about 2 percent of the total annual domestic supply of fresh asparagus is harvested during the period in question. From September 15 to November 15, fresh asparagus is often shipped in by air from foreign countries. During that perioid, the 25-percent duty unnecessarily increases the cost to the consumer while providing no benefit to our domestic growers.

At least seven vegetables—including tomatoes, lettuce, and celery—are already subject to import duties that vary throughout the year. We, therefore, will not set an unwieldy precedent by permitting a brief period of import duty relief. Instead, we will help consumers by making fresh asparagus more readily available during these months.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

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

S. 2896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart A of part 8 of schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by adding before the superior heading to items 135.10 through 135.20 the following new items:

	Asparagus:		
135.03	If fresh; entered during the period from September 15 to November 15, inclusive, in any year; and transported to the United States by air	5% ad val.	50% ad val.
135.05	Other	25% ad val.	50% ad val.

SEC. 2. The amendment made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse for consumption, on or after the date of the enactment of this Act.●

By Mr. MOYNIHAN:

S. 2897. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify effective date provisions retroactively applying benefit guarantees to certain pension plans; to the Committee on Labor and Human Resources.

PLAN TERMINATION INSURANCE CLARIFICATION ACT

● Mr. MOYNIHAN. Mr. President, I rise today to introduce legislation that will help clarify the pension rights of certain employees whose pensions were terminated prior to the enactment of the Employee Retirement Income Security Act of 1974 [ERISA].

My legislation, the Plan Termination Insurance Clarification Act of 1984, would ensure that a class of 272 claimants for plan termination insurance under Hewitt-Robins Pension Plan No. 2 would qualify for the termination insurance provided by ERISA.

The Employee Retirement Income Security Act of 1974 [ERISA] was intended to protect employee pension benefits. Congress added plan termination insurance under ERISA to protect benefits for participants in plans which terminate when plan assets are insufficient to provide promised benefits. All four congressional committees involved with the drafting of ERISA agreed to some form of the bill by February 21, 1974. Many in Congress expected that the committees could resolve their differences so that ERISA could be enacted early in 1974. The resolution of these differences was protracted, and ERISA was not enacted until September 2, 1974. But Congress believed that participants should not be deprived of the protection of plan insurance merely because of this delay in passage. Therefore, it added section 4082(b)—now section 4402(b) of the act—to provide the protection of plan termination insurance to most plans which terminated between July 1, 1974, and September 2, 1974, when ERISA was finally passed.

The employees covered by the Hewitt-Robins Pension Plan No. 2 continued to accrue benefits until July 8, 1974, when action was taken to terminate their pension plan. In such circumstances, it would be contrary to the intent of Congress to deny the employees involved the protection of the plan termination insurance program designed to keep workers from losing their promised benefits. The legislation that I am introducing today clarifies this one set of circumstances under ERISA, to enable the employees involved in the Hewitt-Robins Pension Plan No. 2 to receive the benefit of plan termination insurance. My legislation would enable these employees to receive pension benefits they earned and looked forward to receiving.

I urge prompt passage of this legislation.

I ask unanimous consent that the full 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. 2897

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Plan Termination Insurance Clarification Act of 1984".

SEC 2. CLARIFICATION OF RETROACTIVE APPLICATION OF BENEFIT GUARANTEE PROVISIONS.

Subsection (b) of section 4402 of the Employee Retirement Income Security Act of 1974 is amended by striking out the last sentence and inserting in lieu thereof the following: "For purposes of determining whether a plan is a plan described in paragraph (2), the provisions of section 4048 shall not apply, but the corporation shall make the determination (A) on the basis of the date on which benefits ceased to accrue, or (B) in the case of a plan with respect to which the date on which all benefits ceased to accrue cannot be determined or would not represent the date of the plan's actual termination, on any other reasonable basis consistent with the purposes of this subsection.".

SEC 3. EFFECTIVE DATE.

The amendment made by section 2 shall be effective as though it had been included in the enactment of the Employee Retirement Income Security Act of 1974.●

ADDITIONAL COSPONSORS

S. 2687

At the request of Mr. PERCY, the name of the Senator from Georgia [Mr. MATTINGLY] was added as a cosponsor of S. 2687, a bill to authorize an employer to pay a youth employment opportunity wage to a person under 20 years of age from May through September under the Fair Labor Standards Act of 1938 which shall terminate on September 30, 1987, and for other purposes.

S. 2875

At the request of Mr. HOLLINGS, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Missouri [Mr. EAGLETON], and the Senator from New Hampshire [Mr. HUMPHREY] were added as cosponsors of S. 2875, a bill to establish qualifications for individuals appointed to the National Advisory Committee on Oceans and Atmosphere to authorize appropriations for fiscal year 1985, and for other purposes.

SENATE JOINT RESOLUTION 304

At the request of Mr. HELMS, the names of the Senator from Idaho [Mr. SYMMS], the Senator from Iowa [Mr. GRASSLEY], the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. EXON], the Senator from South Carolina [Mr. HOLLINGS], the Senator from South Carolina [Mr. THURMOND], the Senator from Iowa [Mr. JEPSEN], the Senator from Florida [Mrs. HAWKINS], and the Senator from Nebraska [Mr. ZORINSKY] were added as cosponsors of Senate Joint Resolution 304, a joint resolution to designate the month of October 1984 as "National Quality Month."

SENATE JOINT RESOLUTION 319

At the request of Mr. DOLE, the name of the Senator from Illinois [Mr. PERCY] was added as a cosponsor of Senate Joint Resolution 319, a joint resolution to amend the Agriculture and Food Act of 1981 to provide for the establishment of a commission to study and make recommendations concerning agriculture-related trade and export policies, programs, and practices of the United States.

SENATE JOINT RESOLUTION 322

At the request of Mr. QUAYLE, the name of the Senator from South Dakota [Mr. ABDNOR] was added as a cosponsor of Senate Joint Resolution 322, a joint resolution designating the week beginning on October 7, 1984, as "Mental Illness Awareness Week."

SENATE JOINT RESOLUTION 327

At the request of Mr. KASTEN, the names of the Senator from South Carolina [Mr. THURMOND], and the Senator from Florida [Mrs. HAWKINS] were added as cosponsors of Senate Joint Resolution 327, a joint resolution to designate the week beginning September 2, 1984 as "Youth of America Week."

SENATE JOINT RESOLUTION 332

At the request of Mr. DOLE, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of Senate Joint Resolution 332, a joint resolution to proclaim October 16, 1984, as "World Food Day."

SENATE CONCURRENT RESOLUTION 130

At the request of Mr. EXON, the names of the Senator from Arkansas [Mr. PRYOR], and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of Senate Concurrent Resolution 130, a concurrent resolution expressing the sense of the Congress that the President should assure an adequate flow of affordable credit to farmers and should assure fair treatment to agricultural borrowers.

SENATE RESOLUTION 403

At the request of Mr. CRANSTON, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of Senate Resolution 403, a resolution expressing the concern of the Senate over continuing communal violence in Sri Lanka.

AMENDMENTS SUBMITTED

CONVEYANCE OF CERTAIN LAND TO THE ZUNI INDIAN TRIBE

GOLDWATER AMENDMENT NO. 3583

Mr. BAKER (for Mr. GOLDWATER) proposed an amendment to the bill (S. 2201) to convey certain lands to the Zuni Indian Tribe for religious purposes; as follows:

At the end of the bill, insert the following new section:

"SEC. 9. Notwithstanding 25 U.S.C. 640d-18 (c)(1), the Secretary of the Interior is directed to discontinue any fencing activity at the area commonly referred to as Big Mountain within the former Joint Use Area for two years after the date of enactment of this Act."

NATIONAL PRODUCTIVITY AND INNOVATION ACT

METZENBAUM AMENDMENT NO. 3584

Mr. METZENBAUM proposed an amendment to the bill (S. 1841) to promote research and development, encourage innovation, stimulate trade, and make necessary and appropriate amendments to the antitrust, patent, and copyright laws; as follows:

On page 14, between lines 18 and 19, insert the following:

"*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

On page 15, between lines 12 and 13, insert the following:

"*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

On page 16, between lines 8 and 9, insert the following:

"*Provided*, That this subsection shall be applicable only if the challenged conduct of the defendant or defendants is not in violation of any decree or order entered or issued after the effective date of this Act, in any case or proceeding under the Federal antitrust laws or any State law similar to the Federal antitrust laws challenging such conduct as part of a joint research and development program.".

LEAHY AMENDMENT NO. 3585

Mr. LEAHY proposed an amendment to the bill S. 1841, supra; as follows:

On page 14, lines 13 and 14, strike out "that is within the scope of a" and insert in lieu there "of a joint".

On page 15, lines 7 and 8, strike out "that is within the scope of a" and insert in lieu there "of a joint".

On page 16, lines 3 and 4, strike out "that is within the scope of a" and insert in lieu there "of a joint".

On page 16 strike out lines 15 through 18, and insert in lieu thereof "disclosing the identities of the parties to such program.".

On page 16, line 19, strike out "who is a party" and insert in lieu thereof "who is or becomes a party".

On page 17, beginning with line 2, strike out through "confidential" on line 4.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, July 31, to hear Mr. John B. Waters, nominated by the President to be a member of the Tennessee Valley Authority.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 31, to hold a business meeting to consider treaties, legislation, and nominations.

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

COMMITTEE ON ARMED SERVICES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, July 31, at 9 a.m., to hold a hearing to consider the following nominations:

Robert S. Cooper, to be Assistant Secretary of Defense for Research and Technology;

James Paul Wade, Jr., to be Assistant Secretary of Defense for Development and Support;

Everett Pyatt, to be Assistant Secretary of the Navy for Shipbuilding and Logistics;

Charles G. Untermeyer, to be Assistant Secretary of the Navy for Manpower and Reserve Affairs; and

Donald C. Latham, to be Assistant Secretary of Defense for Command Control and Communications, and Intelligence.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, July 31, to continue the hearing of the relationship between the Congress and the Executive in the implementation and formulation of foreign policy.

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

SUBCOMMITTEE ON ENERGY RESEARCH AND DEVELOPMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Subcommittee on Energy Research and Development, of the Committee on Energy and Natural Resources, be authorized to meet during the session of the Senate on Tuesday, July 31, at 2 p.m., to hold a hearing to consider section 201 of S. 2846, authorizing appropriations to the Nuclear Regulatory Commission in accordance with section 261 of the Atomic Energy Act of 1954, and section 305 of the Energy Reorganization Act of 1974.

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

ADDITIONAL STATEMENTS

UNITED STATES-UNITED KINGDOM AGREEMENT ON NARCOTICS INVESTIGATIONS

● Mr. BIDEN. Mr. President, on July 26, in London, Ambassador Price and a representative of the British Government signed an agreement between the United States and the United Kingdom which would allow American investigators in illicit drug cases to receive information about secret bank accounts in the Cayman Islands, a dependency of Great Britain. Because of its bank secrecy laws and proximity to the United States, in recent years, the Cayman Islands have been one of the major offshore banking centers where the illegally gained profits of the multibillion-dollar international narcotics traffic are laundered or deposited. The Cayman Islands have been especially attractive to Latin American drug traffickers, particularly Colombian, who supply almost all of the marijuana and cocaine market in the United States, and to Mexican traffickers who supply about one quarter of the American heroin market. Of course, there are also many Americans who profit from the illegal drug business which does such damage to our society and who take advantage of such offshore banking centers as the Cayman Islands.

The profits gained from illicit drug trafficking are so large that one of the biggest problems faced by drug traffickers is disposing of their money without arousing suspicion. Further, the drug traffickers often want to reinvest their money in legitimate businesses but, before they do so, often find it convenient to conceal or launder the source of their investment capital.

To meet objectives of this sort, the traffickers frequently move their assets through secret bank accounts and through shell companies and other seemingly legitimate financial mechanisms that serve no function other than hiding the origin of the traffickers' funds. In jurisdictions with strict bank secrecy laws, such as the Cayman Islands, investigations of drug traffickers are handicapped because there is no way of observing the unreported and suspicious movement of huge sums of money that characterize drug trafficking. Moreover, the use of one of the most effective means of punishing drug traffickers, the seizure of their assets, is also inhibited by strict bank secrecy laws.

I congratulate the United Kingdom and the Cayman Islands for their cooperation in this matter of such great consequence to the United States. Although the agreement, signed on July 26, still requires the passage of legislation in the Cayman Islands, I hope that it can be implemented at the ear-

liest possible time. In that way, the parasitical criminals who reap financial gain from illicit drug trafficking will find one less country willing to facilitate their sordid enterprise.

Analyzed in the coldest terms, there are economic benefits which flow to jurisdictions which, through bank secrecy laws, serve as magnets for the enormous sums of money available to international drug traffickers. It requires a self-sacrifice for a country to forego the tainted profits that strict bank secrecy laws can bring. In letting law enforcement and investigative operations illuminate the dark places where drug criminals flourish because of bank secrecy laws, the United Kingdom and Cayman Islands have looked beyond narrow, financial calculations. They deserve our gratitude for doing so.

Unfortunately, there are many other offshore banking centers which provide safe-haven for financial transactions related to illicit drug trafficking. Panama, Antigua, the Bahamas, Bermuda, the Netherlands Antilles, and the Turks, and Caicos Islands are other offshore banking centers in the Caribbean. In Southeast Asia, Singapore and, particularly, Hong Kong are major financial centers for the trade in heroin produced in the Golden Triangle area. In Europe, Liechtenstein, the Channel Islands, Luxembourg, and the Netherlands are attractive banking centers for financial transactions related to traffic in Southwest Asian heroin. Of course, Switzerland is a famous bank secrecy center. However, because of a Treaty on Mutual Assistance in Criminal Matters between the United States and Switzerland which went into effect in 1977 and the cooperative spirit of that country, Switzerland does not allow criminals trafficking in illicit drugs to receive red-carpet treatment.

It is difficult to estimate the size of the U.S. illicit drug market. In the early 1980's, U.S. Government agencies calculated that the total retail value of the illicit drug market in the United States was $50-$100 billion. Although there is now skepticism about the methods used for making the exact dollar estimates that were attached to the U.S. drug trade, these dollar figures are probably a fairly accurate, general guide to the magnitude of the U.S. illicit drug market.

It is equally difficult to calculate the volume of illicit funds which flow through the world's offshore banking centers. Without doubt though, it is a sizeable portion of the U.S. illicit drug market and, thus, amounts to many billions of dollars a year.

The Cayman Islands have probably been a major recipient of these illicit profits. As a 1983 staff study on offshore banks by the Permanent Subcommittee on Investigations explained:

> A vivid example of the rapid growth of tax haven banks and trust companies is offered by the Caymans, a British Crown Colony approximately 170 miles south of Miami. In 1964, the Caymans had only one or two banks and virtually no offshore, nonresident business. * * * In late 1981, the island had about 30 multinational full service "Type A" commercial banks and more than 300 "Type B" brass plate banks, which are allowed to conduct only offshore business. Moreover, about 13,600 companies were registered there. Yet, the population of the Cayman Islands is only about 15,000. * * * The islands provide an outstanding opportunity for individuals seeking to launder or otherwise hide illegal profits. They are readily accessible by commercial and private airlines from the United States, provide all modern amenities, feature English as the national language, assure a politically stable governmental environment, and maintain no strict bank secrecy requirements.

Because of the sincere effort of the United Kingdom and the Cayman Islands to contribute to investigations of international drug taffickers, the Cayman Islands might soon be a far less attractive locale for these criminals to conduct their business. I congratulate them and hope that other offshore and secret banking centers will look upon them as a model for responsible and conscientious international conduct. I urge the administration to spare no diplomatic efforts to conclude such agreements with other offshore banking centers as one of the major priorities of its foreign policy.●

THE REVEREND C.L. FRANKLIN, CIVIL RIGHTS LEADER

● Mr. LEVIN. Mr. President, it is with a sense of real loss that we rise to acknowledge the recent death of the Reverend C.L. Franklin, nationally known civil rights leader, gospel vocalist, and renowned pastor of Detroit's New Bethel Baptist Church.

Clarence LeVaughn Franklin was born in Sunflower County, MS, on January 22, 1915. As a child he walked 10 miles to school and helped his family pick cotton. His schooling included Howe School of Religion and LeMoyne College, both in Memphis, TN. He later attended the University of Buffalo and the University of Michigan.

The Reverend Franklin started preaching in rural churches in Mississippi while still a teenager. In 1938, he traveled to Memphis to become pastor of the 700-member New Salem Baptist Church. He later went to a Baptist church in Buffalo, NY.

However, it was in 1946 that the Reverend Franklin and his late wife Barbara moved their family to Detroit, and found a permanent home.

C.L. Franklin was a man of great compassion whose rich voice and dramatic message inspired support for the civil rights struggle of the 1950's and 1960's. His religious services were broadcast every Sunday evening over Detroit radio for more than 30 years. His sermons gave people hope and inspiration throughout the years.

It was the Reverend Franklin who was instrumental in organizing the Woodward Avenue Freedom March in Detroit on June 23, 1963, which attracted more than 100,000 people, including Dr. Martin Luther King, Jr.

The Reverend Franklin's presence will be missed. He was a giant in his community, a leader in his field whose message reached far beyond New Bethel Baptist Church, far beyond the city of Detroit. C.L. Franklin saw the world as his congregation and tried to make it a more just and comfortable home for all its residents.

I am glad we are pausing to honor him and the joy and inspiration he brought so many during his lifetime. His mother, Rachel, and his children Aretha, Erma, Carolyn, Cecil, and Vaughn can take comfort in the many memories of him and his good works.●

JEFF KEITH—A HERO OF TODAY

● Mr. LAUTENBERG. Mr. President, there are those who complain that America today lacks heroes, that we do not have the inspirational leadership of past generations. To those people I present Jeff Keith.

Jeff lost his leg to cancer when he was only 12 years old. To many people this would have been a devastating blow. Not so for Jeff. A born athlete, Jeff was swimming on the swim team the summer after his operation. At Fairfield Prep, Jeff played baseball, started as goalie for the lacrosse team, and captained the ski team. In the State skiing championships, he finished 14th out of 125 skiers. Jeff continued to ski and play lacrosse at Boston College where he graduated last month. Jeff has competed in one biathalon and two triathalons which included a 1.5 mile swim, 25 miles of cycling, and a 9.25 mile run.

Jeff is running again. This time it is not only a personal achievement, but serves a national goal. Jeff is undertaking a 3,300 mile cross-country trek from Boston to Los Angeles to benefit the American Cancer Society and the National Handicapped Sports and Recreation Center. Jeff's example is an inspiration to all of us. He is demonstrating that he is not handicapped, but physically challenged. Jeff has said that the word handicapped sets restrictions while challenged sets goal.

Mr. President, today Jeff Keith is in Washington to share his achievement and challenge with Government officials. I invite my colleagues to join me in recognizing this fine young man's triumph over cancer.●

MISPLACED MILITARY PRIORITIES

● Mr. BIDEN. Mr. President, while Congress has devoted considerable attention to how much we are spending on defense, I believe we have not looked closely enough at where the money goes. Too much is being spent on destabilizing or unnecessary strategic nuclear programs and not enough to improve the combat readiness and staying power of our conventional forces.

The immediate consequence of these misplaced military priorities is that we have not achieved the improvements in defense capabilities which should have been expected as we more than doubled the Pentagon budget since fiscal year 1980. The long-term consequences are also troubling, for this administration has set us on a course which provides even more for strategic nuclear programs but not enough to operate and maintain adequately our conventional weapons. And the budget is so skewed that Congress will be less able to control military spending on a year-to-year basis.

Congress has been generous in providing increased resources to the Pentagon despite tight limits and reductions elsewhere in the Federal budget. We approved 12.5 percent real growth above inflation in fiscal year 1981, 12.1 percent in 1982, 7.5 percent in 1983, and 5.5 percent in 1984. Many of us also sought to redirect available funds away from the unnecessary B-1 bomber and unsurvivable MX missile so that we could increase military pay and combat readiness. Just last month, for example, I cosponsored and voted for an amendment offered by Senator LEVIN of Michigan which would have cut MX procurement in order to restore funds for a C-5B aircraft cut from the administration's own budget as well as providing a full 5.5 percent pay raise and increased funds for maintenance and spare parts for all services and some high priority items for the National Guard and Reserve. I regret that this proposal and many similar ones in recent years were not adopted.

Although Congress made some reductions in the huge spending proposals for the Pentagon, we had little success in reallocating the priorities within the defense budget. As a result, the share of the budget going for strategic forces has nearly doubled in the Reagan administration, rising from 7 percent in 1980 to 13 percent today with further increases projected in the future. Similarly, the administration's frontloading of major weapons procurement has been at the expense of the operations and maintenance [O&M] accounts which are crucial to readiness. Procurement has increased twice as fast as the defense budget as a whole, while O&M's share has declined from 30.3 percent of the budget in fiscal year 1980 to 26.7 percent requested for fiscal year 1985.

The administration's strategy has been: Buy the big ticket items now; worry about the spares and ammunition and training later. That might have been a sensible strategy—if we were confident that our troops would not be called upon to fight before the end of this decade. But even the quick and successful Grenada operation last October used up enough equipment and money that the administration had to seek a supplemental appropriation.

This strategy is driving us headlong toward additional serious problems in just a few years. In the absence of any negotiated arms control restraints on the Soviet and American nuclear buildups, the administration has already budgeted—just in the next 5 years—$24.2 billion for the star wars Strategic Defense Initiative, $15.4 billion for the MX, and $14.4 billion for the B-1 bomber. These and other strategic weapons programs will necessarily drain funds away from conventional forces, especially if continued high deficits force a slower rate of growth or actual reductions in defense.

According to various military budget analysts, the administration has probably underfunded operating and readiness accounts in its projected budgets. The General Accounting Office, for example, says that the Pentagon historically underestimates actual O&M spending by an average of 28 percent. Defense Department budget analyst Franklin "Chuck" Spinney told our Budget Committee that there is a fundamental mismatch between DOD plans and reality, and that increasing the defense budget without resolving the underlying structural problems will only magnify this mismatch. In other words, our unrealistic plans, coupled with huge procurement, will make our readiness and sustainability problems worse in the future.

The third troubling consequence of the Reagan defense budget strategy is that it will deny Congress the flexibility to make needed adjustments in the future. In fiscal year 1981, 28 percent of our defense outlays were based on prior year commitments. Under the administration's proposal for fiscal year 1985, that figure will rise to 36 percent. By fiscal year 1989, these uncontrollable funds will account for 43 percent of defense outlays. In other words, military spending is rocketing toward an escape velocity that will put it beyond our control.

How much stronger are we today, as a result of this strategy and the huge budgets approved by Congress?

In nuclear forces, I fear we may be in worse shape because of Reagan administration policies. Since 1980 this administration has abandoned a survivable basing plan for the MX missile, leaving us with a highly provocative but vulnerable weapon; it substantially cut our nuclear megatonnage, despite previous arguments that this was a significant measure of relative power; and it failed to achieve any restraints or reductions on Soviet military forces. Meanwhile, it kept up a barrage of belligerent rhetoric that seems to have scared our allies much more than the Soviet leadership.

In conventional forces, the most notable improvement has been in the people in uniform—their moral, their quality, their pay and training. But there are still deficiencies in equipment which have to be corrected. On the question of readiness, I agree with my distinguished colleague and friend from Georgia [Mr. NUNN], that the results are a mixed bag. Some indicators show improvement, others do not. Mission capable rates are rising, but it remains a fact that between December 1980 and March 1984 unit readiness decreased in two of the four services—the Army by 25 percent and Air Force by 15 percent. Instead of disputing which indicators are most important, I think we can all agree that things are still not good enough and that, within these generous budgets, we should be doing better.

On the question of sustainability—the combat staying power of our forces—there is no disagreement. Everyone says that we are sadly deficient. As the GAO reported in a June 6 letter to Senator NUNN:

> Regarding sustainability, information provided by Defense shows serious shortfalls in most categories. Inventories of munitions and war reserve stocks are substantially below requirements. . . . projections by Defense show that stocks will not improve significantly until the late 1980s.

In recent days the Defense Department has criticized some of the conclusions drawn from the specific stockpile figures and has even suggested that the facts declassified by the Pentagon itself should not be made public. I think that criticism is misdirected. We should be facing up to the facts, not suppressing them. We should be correcting our deficiencies rather than trying to explain them away.

Mr. President, I have always supported a strong national defense—able to deter nuclear war and ready to protect our interests in a conventional conflict. I also want a smart national defense—smart in what we buy and how we plan. I want the Pentagon to be effective and efficient.

After 11 years in the Senate, I know we can do better; we can get the kind of ready military muscle our people expect and deserve. The issue is not simply how much we spend, but how and where we spend it, and whether we get our money's worth in defense capability.●

FIRE UP CHIPS

● Mr. LEVIN. Mr. President, the Central Michigan University [CMU] chapter of AERHO—a national professional honorary broadcasting organization which helps bridge the gap between academic and professional training—finished runnerup out of 105 colleges and universities nationwide in chapter of the year honors. The chapter's advisor, CMU broadcasting Prof. Randall Stith, was awarded adviser of the year honors. This group of broadcasting students, faculty and staff carry on the proud tradition of broadcasting for which CMU is so well known, as the AERHO chapter at CMU has previously won chapter of the year honors three times. Fire up Chips.●

OFF AND RUNNING

● Mr. PRESSLER. Mr. President, while hundreds of millions of eyes are glued to their television sets to watch 7,800 athletes perform in the 23d Olympiad, one athlete of equal, if not surpassing caliber is off and running in Washington, DC. This athlete is Jeff Keith, a 22-year-old graduate of Boston College who began a cross-country run from Boston to Los Angeles on June 4, 1984. But more remarkable than his ambition to run from coast to coast when most attention is being placed on the summer Olympics is the idea that young Jeff Keith plans to do this on one leg.

If you have ever seen a young boy catching his first pop fly in right field, racing across the ice determined to make his first hockey goal, or leaping the chalked line that marks his first touchdown in a football game, then you can imagine 12-year-old Jeff Keith as I do. The young Connecticut athlete had surpassed all of these childhood aims and starred on every baseball, hockey, and football team that he had ever played on. But it was during a hockey practice around Thanksgiving of 1974 that Jeff felt a pain in his right knee. One month later, x rays showed an enlargement of bone in his lower right leg. Finally, on Christmas Eve 1974, an above-the-knee amputation was performed after a biopsy revealed osteogenic sarcoma—bone cancer.

But after Jeff Keith lost his right leg to cancer, one can certainly say that he did not lose his courage or his determination. In fact, all he seemed to lose were the following words from his vocabulary: "limits," "restrictions," "handicapped," and "afraid." For approximately 5 to 6 weeks after his operation, Jeff was back on the ski slopes, and from that point on he continued to excel in skiing, swimming, lacrosse, and both biathlon and triathlon competitions.

While Jeff made each challenge tougher for himself, each challenge in turn made him tougher—both physically and mentally. His latest trial is the campaign called "Run Jeff Run," an epic run across America to raise money for the American Cancer Society and the National Handicapped Sports and Recreation Association. This special marathon began from Boston's Faneuil Hall and continues up and down the winding highways of America through New York and Pittsburgh, Cleveland and Chicago, St. Louis, and Tulsa, Albuquerque, and then finally Los Angeles. This route also takes him through Washington, DC, where several of my colleagues from both the House and the Senate and I will join Jeff on the East Capitol steps at 6 p.m. and run with him to L'Enfant Plaza.

As a man who loves sports—running, tennis, and skiing in particular—I readily classify myself as an average athlete. And it was as an average athlete that I began running regularly several years ago. Yet while I have experienced many weary miles on both grass and pavement, I think that I can safely say that I will never encounter the amount of crowds, blisters, injuries, or other obstacles that will most definitely be in store for Jeff Keith. In addition, while as a nonrecordbreaker I hope to serve as a role model for other average athletes, I can also say that I will not be able to touch a fraction of the people that Jeff Keith will inspire.

For Jeff Keith plays an extremely important role model, whose message is for all people. "Run Jeff Run" is not a trip of excruciation for him but instead, one of inspiration. His message is simple, but direct: "Disabled Does Not Mean Unable" and "Cancer Can Be Beat." And while 3,000 miles might seem a long way to run just to deliver a message, it seems that nothing can stop this man. For Jeff is not asking us all to go out and run across the country, he is simply giving living proof to every American that what is going on inside of us is a lot more important than what's happened to our outsides.

As I reflect upon the courage, discipline, and fortitude of young Jeff Keith, I am eager to be off and running with him on a trip that I shall never forget. For although I will run physically with Jeff for only a short distance, my prayers and my support will be with him for the entirety of his 3,000-mile journey.●

IMPROVEMENTS CITED IN DAIRY INDUSTRY

● Mr. KASTEN. Mr. President, I wish to call to the attention of my colleagues an article that appeared in the Wall Street Journal, Monday, July 30, 1984. The article highlights steady gains and improvements made in our Nation's dairy industry.

The news is indeed encouraging and I wish to reiterate several pertinent points the article addressed:

1. The U.S. Department of Agriculture predicts 1984 dairy product sales to increase 2 percent to 4 percent over last year. In 1983, sales were only 0.3 percent higher than in 1982.

2. Milk production began declining in March, ending a 58 month string of year-to-year increases.

3. Through the first nine months of the 1984 marketing year, dairy surplus purchases were down 32 percent from last year.

4. The U.S. Department of Agriculture predicts purchases of surplus dairy products to be 10.9 billion pounds, down from the record 16.6 billion pounds last year. That is a drop of almost 6 billion pounds.

The picture is brighter for our dairy farmers and consumers alike. Positive comments made by industry personnel are encouraging for it is evident that the gap between supply and demand of dairy products is narrowing. Although we aren't out of the woods yet, I am pleased with the changes that have taken place since Congress passed the dairy legislation last October that triggered some of these changes. I believe the picture will become even brighter once our national dairy promotion efforts are in full swing.

Mr. President, I ask that the article from the Wall Street Journal be printed in today's RECORD, in order that my colleagues can read for themselves about the progress we have made.

The article follows:

CHEESE LEADS DAIRY-PRODUCT BUYING RISE AS U.S. SURPLUS REVERSES UPWARD TREND

(By Albert R. Karr)

WASHINGTON.—Dairy-products sellers and federal officials really are smiling these days when they say "cheese."

A cheese-buying surge is leading what could be the biggest dairy-product sales increase in nearly 30 years. Commercial dairy-product sales were up nearly 6 percent in the first half of this year, with butter and dry milk also posting gains. The increased sales already are contributing to the first drop in the federal dairy surplus in five years, with a potential savings this year of about $1 billion.

Dairy demand is "picking up momentum," says Richard Fogg, a vice president of Land O'Lakes Inc., a big Arden, Minn., dairy cooperative. The improved economy is credited with causing consumers to buy more dairy products. Also, dairy-product prices generally have been steady while other food prices rose (although milk-product prices recently began to edge up). At Agri-Mark Inc., a North Andover, Mass., co-operative, liquid milk sales are showing the first substantial rise in 15 years, says Richard Stammer, economics manager.

The biggest factor, though, is that consumers and food companies have sharply increased cheese-buying in recent months. Through May, for example, sales of American cheese were up 13 percent from the year-earlier period, to 849 million pounds.

Some analysts say the big federal surplus-cheese giveaways that helped reduce commercial sales last year may have stimulated increased buying by introducing more

people to cheese. Such giveaways are more modest this year. Also, cheese suits consumers' changing eating habits, which are shifting toward snacks, ethnic foods and fast foods such as pizza and Mexican dishes.

Food companies are expanding cheese-marketing efforts with new cheese products. To build on cheese's "proven popularity," Geo. A. Hormel & Co. recently introduced such products as cheese-filled smoked franks. In Albany, Ga., the Snackmaster division of Mars Inc., a candy maker, produces "Combos," a cheese-based pretzel.

STRONG SALES SEEN CONTINUING

Federal officials expect dairy-product sales to remain strong. In June, the Agricultural Department revised upward its sales forecast for the year to a 2 percent to 4 percent increase from last year. The dairy business has been stagnant in recent years, increasing only 0.3 percent in 1983 over 1982, for instance.

Under the federal dairy price-support program, the government buys excess cheese, butter and dry milk that sellers can't peddle commercially. But the rising sales of dairy products mean the government will have to buy less. The price of butter climbed so high in late June, amid a shortage, that the Agriculture Department stopped buying butter and even sold some to commercial firms for the first time since 1980.

Thanks to increased business, "I doubt that we've made a pound of cheddar cheese for the government since July of last year," says Donald Storhoff, general manager of Wisconsin Dairies Cooperative in Baraboo, Wis. A year ago, three-fourths of the output at its Waumandee, Wis, cheese plant was going to federal storage. Now Mr. Storhoff says, none is.

Another reason for the reduced federal dairy purchases is that farmers' monthly milk production began declining in March, ending a 58-month string of year-to-year increases. Part of the 3 percent production drop stems from a new federal program to pay farmers for producing less milk. Other farmers are trimming output because of high costs, new federal fees on production and a cut in the federal dairy-price support payment.

Finally, "hard economic times are driving some people out of business," says Agri-Mark's Mr. Stammer.

GOVERNMENT SURPLUS DECLINES

The combination of lower output and surging sales is substantially lowering the government dairy surplus. Through nearly the first nine months of the milk-marketing year (which ends Sept. 30), the surplus was down 32 percent from a year earlier to 9.94 billion pounds. In June, the Agriculture Department lowered its forecast of the surplus for the 1984 marketing year to 10.9 billion pounds from the 11.4 billion it previously predicted. That would be down from 16.6 billion pounds last year.

Increasing demand coupled with reduced milk output also may mean higher prices for other dairy products. Robert Williams, executive director of a cheese-plant group in Baraboo, Wis, expect milk prices to rise by as much as 75 cents a hundred pounds this fall and cheese, by five cents for each 10 pounds.

In June, the average wholesale milk price was $12.74 a hundredweight, down from $13.11 in June 1983. But with "supply and demand in better balance, some price strength is expected," the Agriculture Department's Economic Research Service says.

Already, on May 7, Kraft Foods, a unit of Dart & Kraft Inc., raised the price of "natural" cheese items about 3 percent, the first increase in a year and half.●

AMERICA: LAND OF OPPORTUNITY

● Mr. ARMSTRONG. Mr. President, recently I was priviledged to hear an extraordinary oration by a talented young lady from Colorado, Miss Kelly Duncan. Her talk "Why America Is Still the Land of Opportunity" is a masterpiece of insight and patriotism. I believe my colleagues will benefit from her comments.

The comments of Miss Duncan follow:

WHY AMERICA IS STILL THE LAND OF OPPORTUNITY

In 1787, a modest meeting house found itself to be the soil in which, not only a seed, but an entire root system would grow. American leaders and representatives joined together, for one of the first times, in an effort to revise the Articles of Confederation to meet the needs of a sprouting country. Our forefathers found the document insufficient, however, calling for a completely new document, one that would give to the flimsy young timber the structural support that it needed. A backbone. A constitution. A force that was receptive to the needs of the individual—needs that had been neglected in the former mother country. The young "spirit of American values and ideals" had been robbed of its water and sunshine * * * robbed of its chance to blossom * * * robbed of its opportunity to grow. In America, the freedoms were restored, the restrictions taken away, and the spirit grew in the Land of Opportunity. American leaders of the 18th century wanted to ensure that the land would remain a place of opportunity. Because of the structure of democratic laws, the establishment of a free-enterprise system, and an individual's liaison with the law, one can still claim that America, truly is, still the land of opportunity.

The reasons for the opportunities that still exist in America today are three-fold, primarily concerned with the individual. To begin with, the structure of American laws protect individual freedom. In this country, not only are all citizens guaranteed the right to vote, the voice of the minority is guarded against not being heard. Everyone is encouraged to express an opinion, with freedom that even goes so far as to allow the minority the chance her and to none else." Each singing what belongs to him or her and to none else. For because of her diverse population, America has and always will offer a variety of opportunities to a melting pot of peoples.

Thirdly, the individual in America is given a liaison between themselves and the law in order that he or she might extract from the government that which they desire. People creating opportunities for people * * * for themselves. One ideal upon which this country was founded is this: people should have a powerful voice in the forces that govern them. As the judicial branch puts it, "one man, one vote." And that is guaranteed. Through the employment of lobbyists and one's right to petition, the voice of the individual can be heard. Because of the active part American citizens are allowed to play in their government, America still offers numerous opportunities because she permits the individual to create opportunities for him/herself. Nowhere but America are laws quite like that.

The placement of importance upon the individual is the overall reason that America remains the Land of Opportunity that she always has been. By showing concern for the individual, not only are freedoms exercised, but the country at the same time offers to American individuals, chances and opportunities that would otherwise not have been available. The structure of American laws are such that they permit the participation of the public in governmental affairs. Thus, opportunity is created, by the government, for the individual, to better develop and define his/her own goals.

When our forefathers joined together to create the backbone of our government, they were seeking to give to a sprouting America to change the beliefs of the majority. Through such a system, the best solution is found. Through such a system, one finds new opportunity. Because American government recognizes the importance of the individual, their freedoms are protected as are their opportunities. The United States structurally allows Americans to do with themselves and with their country that which the voting majority decides. That is what made this country the Land of Opportunity, and that is why she still is.

Secondly, America's free-enterprise system allows a person to become all that they can with the skills they've acquired. America is comprised of millions of people, who find themselves going in billions of different directions, whose dreams * * * cannot be counted. For each of these persons, "opportunity" means a different thing. It means something particularly special for immigrants. From Studs Terkel's book, "American Dreams; Lost and Found," a typical immigrant was described: "He was a tailor, a quiet man. She was a seamstress, nimble of finger and mind. He was easy, seeking no more than his due. She was feverish, seeking something more. Though skilled in her craft, her spirit was the entrepreneur's. Out there, somewhere, was the brass ring. This was, afterall, America."

Erving Berlin, Supreme Court Justices, Presidents and Vice Presidents—well known figures who came to this country, in a boat, with "kuume", the Finnish word for fever—American fever. In this country, people could look forward to what they might become, a choice that was, and is, their own. Under the free-enterprise system, as long as an action doesn't directly harm another individual, one is free to pursue will all might and force, that of which the individual dreams, whatever that may be. In Walt Whitman's poem, "I Hear America Singing", each tradesman is found singing his very own song, "each singing what belongs to him or support * * * root, water, and sunshine * * * and that they did! And what a full tree she formed. Budding continuously with new opportunities. Because of the structure of her democratic laws, the establishment of a free-enterprise system, and an individual's personal liaison with the law, the American tree's buds have formed fruit—fruitful opportunities abundant enough for her entire population * * * to take the fruit * * * and make use of its opportunities.●

PROPOSED ARMS SALES

● Mr. PERCY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance

notification of proposed arms sales under that act in excess of $50 million or, in the case of major defense equipment as defined in the act, those in excess of $14 million. Upon such notification, the Congress has 30 calendar days during which the sale may be reviewed. The provision stipulates that, in the Senate, the notification of proposed sales shall be sent to the chairman of the Foreign Relations Committee.

In keeping with my intention to see that such information is available to the full Senate, I ask to have printed in the RECORD at this point the notifications which have been received. Any portion which is classified information has been deleted for publication, but is available to Senators in the office of the Foreign Relations Committee, room SD-423.

The notifications follow:

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 27, 1984.

In reply refer to: I-04221/84ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 84-58, concerning the Department of the Air Force's proposed Letter of Offer to Japan for defense articles and services estimated to cost $54 million. Shortly after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 84-58]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) Prospective purchaser: Japan.

(ii) Total estimated value:

	Millions
Major defense equipment [1]	42
Other	12
Total	54

[1] As defined in section 47(6) of the Arms Export Control Act.

(iii) Description of articles or services offered: Two C-130H aircraft with spares and support equipment.

(iv) Military department: Air Force (SEF).

(v) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: None.

(vii) Section 28 report: Case not included in section 28 report.

(viii) Date report delivered to Congress: 27 July, 1984.

POLICY JUSTIFICATION

JAPAN—C-130H AIRCRAFT AND SUPPORT

The Government of Japan has requested the purchase of two C-130H aircraft with spares and support equipment at an estimated cost of $54 million.

Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring the peace and stability of that region. It is vital to the U.S. national interest to assist Japan in developing and maintaining a strong and ready self-defense capability which will contribute to an acceptable military balance in the area. This sale is consistent with these U.S. objectives and the 1960 U.S.-Japan Treaty of Mutual Cooperation and Security.

These C-130H aircraft will be used in a transport role in support of the Japan Self Defense Force.

The sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be the Lockhead Corporation of Marietta, Georgia.

Implementation of this sale will require the assignment of one additional U.S. Government and three U.S. contractor personnel to Japan for a minimum of one year.

There will be no adverse impact on U.S. defense readiness as a result of this sale.

DEFENSE SECURITY ASSISTANCE AGENCY,
Washington, DC, July 27, 1984.

In reply refer to: I-04483/84ct.

Hon. CHARLES H. PERCY,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to the reporting requirements of Section 36(b) of the Arms Export Control Act, we are forwarding under separate cover Transmittal No. 84-60, concerning the Department of the Air Force's proposed Letter of Offer to Japan for defense articles and services in excess of $50 million. Since most of the essential elements of this proposed sale are to remain classified, we will not notify the news media.

Sincerely,

PHILIP C. GAST,
Director.

[Transmittal No. 84-60]

NOTICE OF PROPOSED ISSUANCE OF LETTER OF OFFER PURSUANT TO SECTION 36(b) OF THE ARMS EXPORT CONTROL ACT

(i) (U) Prospective purchaser: Japan.

(iv) (U) Military department: Air Force (SFA).

(v) (U) Sales commission, fee, etc., paid, offered, or agreed to be paid: None.

(vi) (U) Sensitivity of technology contained in the defense articles or defense services proposed to be sold: See attached Annex.

(vii) (U) Section 28 report: Case not included in section 28 report.

(viii) (U) Date report delivered to Congress: 27 July, 1984.

Classified by: Director, DSAA; declassify on: OADR.

POLICY JUSTIFICATION

(U) Japan is one of the major political and economic powers in East Asia and the Western Pacific and a key partner of the United States in ensuring the peace and stability of that region. It is vital to the U.S. national interests to assist Japan in developing and maintaining a strong and ready self-defense capability which will contribute to an acceptable military balance in the area. This sale is consistent with these U.S. objectives and with the 1960 Treaty of Mutual Cooperation and Security.

(U) The sale of this equipment and support will not affect the basic military balance in the region.

(U) Implementation of this sale will require the assignment of one additional U.S. Government and three contractor representatives for a minimum of one year to Japan.

(U) There will be no adverse impact on U.S. defense readiness as a result of this sale.●

JOEL "JAY" SOLOMON

● Mr. CHILES. Mr. President, it is with a great deal of sadness, which I am sure that many of my colleagues share, that I note the passing of Joel "Jay" Solomon. Jay Solomon served as head of the General Services Administration for 2 turbulent years, 1977 to 1979. He was sincere, hardworking, and outspoken. In fact, the main criticism of Jay Solomon's efforts at GSA was that he was "too nice."

My Governmental Affairs Subcommittee investigated the procurement practices at GSA and we came away with startling facts about corruption, waste, mismanagement, and abuse of tax dollars that totaled hundreds of millions of dollars. However, the most startling fact of all, was that Jay Solomon refused to be the typical bureaucrat.

He never once tried to cover up the facts by silencing his subordinates.

He never once cried, "It didn't happen on my watch"—although these abuses did indeed happen years before he came to Washington.

He never tried to "stonewall." Instead, he was open and receptive.

Jay Solomon was unlike any agency head that Washington has seen, for instead of stonewalling, covering up, or denying the existence of facts, he dug in and helped to root out corruption and waste.

Lest, Jay Solomon's legacy is seen to deal only with the problems at GSA, let me point out that he also had a commitment to the preservation of landmark building. He gave enthusiastic support to improving the aesthetic quality of GSA buildings.

Jay Solomon's life was filled with activities of both a civic and charitable nature. He was a native of Nashville, TN, he went to school there and he worked there. The short time that he spent in Washington was devoted to trying to make his agency better.

I am sure, Mr. President, that many Senators share my expression of condolences to his wife, Margaret, and two children, Joel, and Linda.●

THE REAGAN RECORD ON ARMS CONTROL

● Mr. GARN. Mr. President, the issue of nuclear arms control will certainly be a hot subject of debate during this Presidential campaign season. While a healthy dose of rhetoric can be expected from both political camps in the months ahead, it would be helpful if those who debate this issue did not stray too far from the truth. Unfortunately, the principal speakers at the

Democratic National Convention did not set a particularly good example in this regard.

Gov. Mario Cuomo, the keynote speaker, led the effort to twist the record and distort the policies of this administration. With eloquence matched only by the falsity of the charge, he denounced President Reagan's "macho intransigence that refuses to make intelligent attempts to discuss the possibility of nuclear holocaust with our enemy." These inaccurate charges were echoed by speaker after speaker.

Now, I have always believed that while one is entitled to one's own opinion, one is not entitled to one's own facts. Yet, that, I am afraid, is the liberty the Democrats have taken with the issue of nuclear arms control. I was, therefore, pleased to see that James J. Kilpatrick used his skills as a columnist to set the record straight.

Mr. Kilpatrick, in his article "Reagan, Placemaker," traces the efforts of the United States to negotiate meaningful, verifiable reductions in the nuclear arsenals of both superpowers. There should be no question that this administration has proposed in START and INF the basis for achieving such agreements. The problem that now exists is not U.S. policy, but the failure of the Soviets to negotiate. As my colleague, Senator MATHIAS, put it recently, Soviet arms control policy has ranged from "empty chairs to empty rhetoric."

As to the issue of President Reagan's personal involvement in the negotiations, Mr. Kilpatrick correctly notes that "Presidents do not engage directly and personally in 'negotiations.' The drafting of complex provisions of an arms agreement necessarily must be left to such professionals as Edward L. Rowny and Paul Nitze."

There is also one development concerning the issue of nuclear war not mentioned in Mr. Kilpatrick's article. This involves the recent United States-Soviet agreement to upgrade the "Hotline" in order to facilitate communications between the two superpowers during times of crisis. The Reagan administration initiated discussions on this matter of crisis management as part of its overall policy to reduce the threat of nuclear war. The "Hotline" upgrade was only one element of the U.S. proposal, but the Soviets refused to consider seriously the other recommendations made by the United States.

Mr. President, the record shows that this administration is prepared to negotiate with the Soviets on these matters involving the threat of nuclear war. I would suggest that our attention should be focused on the absence of the Soviets from the bargaining table, rather than the unfounded charges of politicans battling to regain the White House.

I ask that Mr. Kilpatrick's article, "Reagan, Peacemaker," and an article from Defense Daily, "U.S.-Soviets Agree to Hotline Upgrade," be printed in the RECORD.

The articles follow:

REAGAN, PEACEMAKER

(By James J. Kilpatrick)

WASHINGTON.—The Democratic convention was a good one from the party's point of view, but for the most part it was a terrible insult to the intelligence of the American people.

Maybe some other convention surpassed the blather inflicted upon the nation by Mario Cuomo, Edward Kennedy, George McGovern and Walter Mondale, but I doubt it. Those gentlemen constitute a world-class team of four.

By way of example, let me cite the matter of nuclear arms control. One of the iterated and reiterated themes of the Democratic convention was that the Reagan administration has done nothing in this direction. Mr. Cuomo, for one, denounced the president's "macho intransigence that refuses to make intelligence attempts to discuss the possibility of nuclear holocaust with our enemy." Mr. McGovern inquired why in God's name Mr. Reagan was demanding more and more engines of death. Mr. Kennedy said in a slippery phrase that every president since Hoover has "negotiated" with Soviet leaders, but not Ronald Reagan. Mr. Mondale, for his part, charged that "every other president has talked with the Soviets and negotiated arms control, but not this one."

This sort of oratory has been known since the days of Ciero as the phonus bolonus.

Mr. Reagan took office on January 20, 1981. On February 18, in a message to Congress, he specifically renewed his commitment "to the goal of arms limitation through negotiation." On February 24, at a press conference, he spoke of his willingness to seek "verifiable reductions" in nuclear weapons. On March 3, in an interview with Walter Cronkite, he plowed the same ground. In April, as he was recovering from the assassination attempt, he wrote Leonid Brezhnev suggesting that they seek means for eliminating the obstacles that prevent Russians and Americans from rearing their families in peace. In November, he wrote Mr. Brezhnev again, and thus initiated START, the Strategic Arms Reduction Talks.

In the summer of 1981, our negotiators met Soviet negotiators in Geneva to talk of intermediate nuclear forces. In June of 1982, START negotiations began. In the spring of 1983, after three rounds of unproductive talks, Mr. Reagan instructed our negotiators to make three significant modifications in our proposals; the Soviets then made two modifications in their proposals. Things seemed to be moving. But in November, 1983, after we began to emplace Pershing missiles in Europe, the Soviets abruptly walked out of their sessions on intermediate weapons. The following month the Soviets refused to resume talks on strategic arms. There the matter rests.

Presidents do not engage directly and personally in "negotiations." The drafting of complex provisions of an arms agreement necessarily must be left to such professionals as Edward L. Rowny and Paul Nitze. It is only when accord has been reached at the level of the bargaining table that one begins to speak of summits.

A dozen of the Democratic orators demanded that Mr. Reagan immediately achieve a "verifiable freeze" on nuclear arms. If the voters will give them a chance, said the Democrats, that is exactly what Mr. Mondale will produce. But months of tedious negotiation would be needed to decide on what arms would be "frozen" and how this would be "verified," and a question arises: Wouldn't it be better, as Mr. Reagan repeatedly has urged, to expend the same time and energy in pursuit not of a freeze, but of a reduction?

Curiously, none of the Democratic spokesmen recalled that the Democratic administration of Jimmy Carter was not able to get its SALT treaty through a Democratically controlled Senate. None of these gentlemen mentioned that Mr. Reagan's request for 100 MX missiles is half what Mr. Carter proposed. Nothing was said of a Soviet nuclear buildup that has been adding one SS-20 a week to the Soviet arsenal. No, what we heard in the convention hall was bombast, fustian and demagoguery.

U.S.-SOVIETS AGREE TO HOTLINE UPGRADE

The United States and the Soviet Union yesterday reached an agreement to upgrade the current Hotline communications facility between Washington and Moscow.

Initialed at the State Department by Acting Secretary of State Kenneth W. Dam and Soviet Charge Victor F. Isakov, the agreement calls for the addition of a facsimile transmission capability to the Direct Communications Link established between the two capitals in 1963.

The upgrade, which a senior Administration official said should be completed in 18-24 months, will enable the exchange of messages far more rapidly than with the existing teletype system. In addition, the system will allow the transmission of graphic material over the Hotline, such as maps, charts, and drawings.

In May 1983, President Reagan proposed three measures for improving the Hotline: the addition of a high-speed facsimile capability; the establishment of a Joint Military Communications Link; and the establishment of high-speed data links between the two capitals. Subsequent negotiations have led to the agreement to add the facsimile transmission capability.

The Hotline will now consist of: three circuits (two satellite circuits plus one wire telegraph circuit); one Earth station in each country for each satellite circuit; terminals in each country linked to the three circuits and equipped with teletype and facsimile equipment.

A senior Administration official said the Soviets are not interested in the Joint Military Communications Link but they have indicated an interest in improving communications to lessen the threat of international nuclear terrorism. The official said the Administration hopes "this is the beginning of a process that will lead to other agreements" for enhancing stability.

MODEST BUT POSITIVE STEP

President Reagan called it "a modest but positive step toward enhancing international stability and reducing the risk that accident, miscalculation or misinterpretation could lead to confrontation or conflict between the U.S. and the Soviet Union."

The President's statement, following the initialing of the agreement:

"I am happy to be able to announce today that we and the Soviet Union have reached agreement to expand and improve the operation of the Direct Communications Link, or the 'Hotline.'"

This agreement is a modest but positive step toward enhancing international stability and reducing the risk that accident, miscalculation or misinterpretation could lead to confrontation or conflict between the U.S. and the Soviet Union.

"With the addition of a facsimile capability, we will not only be able to exchange messages faster, but for the first time we will be able to send graphic material such as maps or pictures which would play a crucial role in helping to resolve certain types of crises or misunderstandings.

"The negotiations which led to this agreement began about one year ago (August 1983), based upon a series of proposals that we first made in May 1983.

"In developing this and other initiatives designed to reduce the risk of war due to accident, misunderstanding or miscalculation, we had the benefit of excellent advice from a number of key Congressional leaders, including Senators Warner and Nunn and the late Senator Jackson.

"I see this agreement as both an appropriate technical improvement to the Hotline, which has served both our governments well for over twenty years, and as a good example of how we can, working together, find approaches which can move us towards a reduction in the risks of war."●

REPORT ON FEDERALLY FUNDED INSTITUTIONS FOR MENTALLY RETARDED PERSONS

● Mr. WEICKER. Mr. President, I would like to bring my colleagues attention to a report just completed by my staff on the Subcommittee on the Handicapped. This report is the result of visits across the country to federally funded institutions for mentally retarded persons. It is a report which documents abuse and neglect, lack of programming, and inappropriate placement in these institutions as national problems. These are institutions which receive $2.3 billion Federal dollars per year.

I would also like to submit for the RECORD the results of recent surveys of institutions by the U.S. Department of Health and Human Services. These surveys confirm the existence of nationwide problems in institutions for mentally retarded people.

In a joint hearing this morning before the Subcommittee on the Handicapped and the Appropriations Subcommittee on Labor/HHS/Education and Related Services, Secretary Heckler confirmed the existence of these problems in our Nation's institutions.

I intend to continue investigations of these institutions by the Subcommittee on the Handicapped. I will also pursue legislative proposals to address these problems.

I urge my colleagues to join me in addressing these problems and securing appropriate treatment and safe living conditions for our Nation's mentally retarded citizens.

The material follows:

HHS RESULTS OF SURVEYS—MAJOR DEFICIENCY PATTERNS OF 9 PUBLIC ICF's/MR (FEBRUARY TO JUNE 1984)

[X = Standard "not met" in Federal survey]

Standard	Facility								
	Paul's Valley, OK	Enid St. School, OK	Fairview, OR	Wheat Ridge, CO, ICF/MR section only	Staten Island, NY	Mansfield, CT, 6 separate survey documents	Belle Fontaine, MO	Lincoln, IL	Belle Chase, LA
Safety and sanitation standards	X	X	X	X	X		X		X
Retarded recipients receiving active treatment	X	X	X	X	X	X	X	X	
Clients bill of rights			X					X	
Information								X	
Medical condition								X	
Transfer/discharge								X	
Exercising rights								X	
Financial affairs	X	X						X	
Freedom from restraint/abuse			X			X		X	
Privacy	X	X	X	X	X		X	X	X
Work	X	X						X	
Activities								X	
Personal possessions	X	X	X		X				
Resident finances	X	X						X	
Policy/procedure manuals	X		X		X				
Qualified M.R. professionals	X	X	X	X		X		X	
Health and safety laws			X				X	X	X
Agreements and outside resources	X								X
Annual review of client status						X			
Transfer to another facility	X								
Sufficient staffing and resident work	X	X	X						
Staff training program							X		
Responsibilities of direct care staff			X	X		X			
Resident evaluation and program plans	X	X		X		X		X	X
Resident activities			X	X		X		X	
Personal possessions	X	X	X						
Control and discipline of clients				X					
Restraints (physical and chemical)			X			X	X		
Behavior modification programs			X	X		X			
Resident clothing			X		X				
Health, hygiene, grooming, and toilet training	X	X	X	X		X			
Resident living staff			X	X					
Sufficient	X		X	X		X			X
Trained				X		X			
Staff ratios (minimum)	X								
Resident living areas—Comfort and privacy	X	X	X	X	X			X	X
Space/occupancy	X		X	X	X				
Furniture/bedding				X	X				X
Storage	X	X			X				
Bathrooms	X		X	X	X				
Heating/ventilation				X	X			X	X
Professional special programs/services	X	X	X	X	X	X	X		X
Dental services									
Staff/treatment			X	X					X
Training and habilitation services	X	X	X	X	X	X	X	X	
Staff				X		X	X		X
Food and nutrition		X		X	X				X
Diet requirements	X	X		X	X				X
Meal services				X	X				X
Menus					X				
Storage food		X	X		X				X
Work areas		X	X		X				X
Dining areas					X				X
Staff	X		X	X	X				
Medical services									X
Physician					X				X
Nursing	X		X		X				
Staff	X		X						
Pharmacy services					X				
Pharmacist	X			X	X				
Drugs and medication				X	X				
Storage					X				

HHS RESULTS OF SURVEYS—MAJOR DEFICIENCY PATTERNS OF 9 PUBLIC ICF's/MR (FEBRUARY TO JUNE 1984)—Continued

[X=Standard "not met" in Federal survey]

Standard	Facility								
	Paul's Valley, OK	Enid St. School, OK	Fairview, OR	Wheat Ridge, CO, ICF/MR section only	Staten Island, NY	Mansfield, CT, 6 separate survey documents	Belle Fontaine, MO	Lincoln, IL	Belle Chase, LA
Physical and occupational therapy	X	X	X	X	X		X		X
Staff	X	X	X	X	X		X		X
Psychological services	X	X	X	X		X			
Psychologist			X	X		X			
Recreation services			X	X		X	X		
Staff			X			X	X		
Social services				X	X				
Social workers									
Speech pathology and audiology services			X				X		
Evaluation and assessments	X						X		
Staff and facilities	X		X		X		X		
Records—Central clients			X					X	
Safety and sanitation	X			X					
Evacuation drills			X	X					
Fire safety	(1)	(1)	X (2)	X (3)			X (3)	(4)	(4)
Building accessibility	X				X				
Engineering and maintenance					X			X	X
Laundry services			X		X			X	
Laboratory services									

[1] Various nonlife threat. [2] Escape chutes. [3] B-bed cottage only. [4] Minor.

U.S. SENATE SUBCOMMITTEE ON THE HANDICAPPED—REPORT TO THE CHAIRMAN, SENATOR LOWELL WEICKER, JR.

CONDITIONS IN INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

I—INTRODUCTION

On November 17, 1983, the U.S. Senate Subcommittee on the Handicapped, chaired by Senator Lowell Weicker, Jr., held a hearing to review the U.S. Department of Justice's record on enforcement of the civil rights of mentally retarded persons in federally funded institutions. Evidence was presented at that hearing which documented widespread neglect, abuse and other conditions of substandard care in federally funded institutions across the country. As a result of the information presented at that hearing Senator Weicker instructed his staff to conduct a series of site visits to institutions for mentally retarded persons to gether information about conditions in those facilities.

Seven institutions, all of which are public certified Intermediate Care Facilities for the Mentally Retarded (ICFs/MR), were visited by Senate staff during December 1983 and January 1984. All institutions chosen for site visits were large (400 beds or more) and located in the varying geographical regions of the United States. Institutions were selected which represented varying degrees of involvement (both historically and currently) with the U.S. Department of Justice, the courts and the U.S. Department of Health and Human Services. The range was distributed from a very high degree of involvement to no involvement other than routine annual certification surveys. The sample of institutions visited included institutions as old as 100 years and as new as 10 years.

The site visits were *not* intended to focus on the quality of any particular institution nor to respond to allegations made about any specific institution. Rather, the intention was to observe the ICFMR institution programs to determine in a general way whether or not substandard conditions exist and the extent to which they persist from one institution to another.

II—BACKGROUND OF THE ICFMR PROGRAM

Statutory authority

In 1971, title XIX of the Social Security Act (Medicaid) was amended to authorize States to include in their State mental retardation. Such services, referred to in the statute as "intermediate care facility services," are authorized if the primary purpose of institutionalization is to provide health or rehabilitative services. The service must meet standards prescribed by the Secretary, and the mentally retarded persons are to receive active treatment under this program. This law requires that States provide for a program of independent professional review, including medical evaluation of the need for care of each person served, as well as a written plan of service which provides more than a minimum level of health care for each such person. The review is to include periodic on-site inspections of each institution and of the care provided therein. The review team, including physicians, nurses and other health and social service personnel, is to review the adequacy of services provided to meet the health needs and promote maximum physical well-being of persons receiving care. The team is also to determine the necessity of continued institutionalization and the feasibility of alternative placement.

As with all Medicaid services, States may include ICF/MR services as part of their State Medicaid plan. Federal ICF/MR funding is provided through an open-ended entitlement. That is, States are not limited to the amount of Federal funds they may receive as long as they meet standards and provide the required matching funds.

ICF/MR regulations

In 1974, the Secretary published regulations which prescribe standards for services in (ICFs/MR). The regulations set forth standards for administrative policies and procedures, personnel policies, resident living standards, and professional and other services. A major feature of the ICF/MR standards is that the standards generally assume the delivery of services within the institutions. However, agencies or individuals outside the ICF/MR that meet service standards are also authorized to deliver services, by contract, within the ICF/MR. Services to be provided to institutionalized persons include dental services, training and habilitation, food and nutrition services, medical services, nursing services, pharmacy services, physical and occupational therapy, psychological services, recreation, social services, and speech pathology and audiology services. The regulations also establish standards for safety and sanitation.

The ICF/MR standards for resident living include provisions regarding the rights of institutionalized persons. The ICF/MR is to have written policies and procedures which insure the civil rights of all residents. Residents are to be treated with consideration, respect and full recognition of their dignity and individuality. The standards do not allow the use of physical restraint unless absolutely necessary or unless such restraint is part of a behavior modification program. Physical or chemical restraint may not be used as punishment, for the convenience of the staff, or as a substitute for treatment or activities. The standards provide that chemical restraints may not be used in quantities that interfere with a resident's habilitation program.

The regulations make provision for small ICFs/MR of 15 beds or fewer by making different fire protection requirements for such facilities.

The Medicaid waiver

In 1981, title XIX was amended to allow the Secretary of Health and Human Services to approve the use of Medicaid funds for home and community-based services for the aged, the physically disabled, the mentally retarded and the mentally ill. Under an approved waiver, services, other than room and board, may be provided to mentally retarded persons who, but for the provision of such services, would require the level of care provided in Medicaid-supported institutions. Regulations implementing the waiver provision authorize case management services, homemaker/home health aide services and personal care services, adult day health, habilitation services, respite care services and other services as approved by the Secretary. States may be granted a waiver for 3 years initially. The waiver may be extended for an additional 3 years if services and conditions comply with program standards.

Program costs and persons served

The following table shows total ICF/MR expenditures and the Federal share of such expenditures since the inception of the program in FY 1973 through the estimated amount for FY 1983. The number of persons served is also shown. Currently about 80 percent of ICF/MR funds are used in

public institutions and 20 percent of the funds are used in private institutions.

TOTAL AND FEDERAL ICF/MR EXPENDITURES AND NUMBER OF PERSONS SERVED

Fiscal years	Total (million)	Federal (million)	Persons served (thousand)
1973	$165	$98	29
1974	203	120	39
1975	349	204	54
1976	602	349	83
1977	871	501	101
1978	1,162	662	98
1979	1,493	844	115
1980	1,977	1,107	125
1981	2,927	1,624	196
1982	3,609	1,985	154
1983 (estimated)	3,911	2,151	[1] 132

[1] The estimate of persons served in fiscal year 1983 was provided by Wayne Smith, Health Care Financing Administration.

Source: Data were provided by Ian Hill, Budget Analyst, Program Benefit Branch, Division of Budget, Office of Financial Management Services, Office of Management and Budget, Health Care Financing Administration.

In addition, under the Medicaid waiver during fiscal year 1983, 15,600 persons were served at a total cost of $145 million, according to estimates of the Health Care Financing Administration.

III—FINDINGS

The findings contained in this report regarding the conditions at ICFs/MR were determined through observation, interview, discussion and review of public documents shared by staff at the institutions. Any differences in conditions reported here are more a matter of degree than of type. The findings reported represent general patterns which emerged across institutions.

A—Privacy

Failure to provide adequate privacy for individual residents in each of the institutions was a problem. For example, adult clients' diapers were changed in "public" areas in full view of other clients and staff. Toilets failed to provide doors or curtains for privacy. Bathing areas for clients consisted of several elevated slabs in a row without dividers for privacy.

B—Client access

Many buildings (both residential areas and programming areas) were locked. Clients frequently did not have access to other parts of a building or other buildings.

Client clothing was frequently locked either in individual dressers and bureaus in the sleeping areas or in a general clothing area. Access to clothing often required a staff person with a key.

C—Adequacy of clothing

Staff frequently stated that they could not ensure that clients maintained their own set of clothing. Sometimes when laundry was sent out it was sorted by size upon return and distributed by size rather than by ownership.

The condition of clients' clothing was frequently poor. Ripped clothing, ill-fitting clothing, and unseasonable clothing were common.

D—Inconsistent application of ICF/MR standards in sleeping areas

There was significant variance regarding the standard number of residents per sleeping area in each institution. Most staff reported that 4 to 6 beds per room (depending on the square footage) were necessary in order to comply with ICF/MR standards. In fact several institutions had spent millions of dollars constructing buildings or redesigning buildings in order to meet the ICF/MR standard for beds per sleeping area. However, other institutions had certified sleeping areas with 35 or more clients because the federal requirement had been waived for "programmatic reasons." Explanations given for the waiver were that residents could not benefit from privacy and that there was not enough staff to supervise residents at night if there were fewer residents sleeping in one area.

E—Living areas

Living areas of the institutions were usually barren and sterile though there was tremendous variation in the buildings (some were new and in excellent condition; other buildings were 50 or more years old and dilapidated—the barreness was consistent. There was no correlation between the newness in the building and the warmth or family like feeling of the environment. Group areas were minimally furnished with plastic chairs and sofas. Few decorative items such as pictures, plants, rugs, lamps, and tables were observed. Recreational materials such as toys, books, crayons, and records were generally not observed as being accessible to clients.

F—Personal possessions

Few personal possessions were observed in bedroom areas. Usually the bedroom areas consisted of 4-6 beds and 4-6 wardrobe/dresser units. The walls were empty. There were few games, toys, records, books, pictures or personal items. Rugs were rarely observed. Mirrors in bedroom areas were rarely seen. When bedspreads were observed they were usually identical, indicating that residents had not made individual choices.

G—Meals

All observed meals were served on trays. Cooking was done at central cafeterias on the campuses and food either distributed to residential buildings on trays or in large containers to be dished onto trays once in the building. Some residents ate cafeteria style. The result was sometimes only one tray portion of food and one container of beverage available for each client. There were often no extra portions for replacements due to spillage or for a resident with a large appetite. There was virtually no opportunity for residents to choose their food and exert their personal preferences.

The menus was determined by the (cafeteria staff) and the same meal was offered to every resident with some variation for those on special diets. Residents ate at the time prescribed in advance by schedule.

The lack of family-like kitchen and dining facilities prevented residents from learning how to prepare their own meals, make choices about food, or learn nutritional habits and basic dining skills.

The food sampled was bland and in some instances unidentifiable by taste. Some residents were observed being fed in a supine position. Residents who were unable to feed themselves were generally fed by staff who rotated from client to client. Observed adaptive equipment for residents with self-feeding dificulties was the exception rather than the rule. On-site observation yielded one instance of an intensive feeding skills program for clients. This program was developed under a targeted federal grant from the Administration on Developmental Disabilities.

H—Medication

By verbal report, medication utilization was predominantly for seizure conditions and maladaptive behavior control. Reportedly, the most commonly used medications for these conditions were melaril, valium, haldol, phenobarbital and dilantin. Although by verbal report the use of drugs for behavior management was monitored closely, observations were made of several residents sleeping during day time hours, reportedly as a side effect of medication. These residents were, of course, unable to participate in programming because of the sleeping. At one institution a report on programming for clients with behavioral problems was shared with Senate staff. The report indicated that 53 of 84 clients considered had one or more behavioral problems. Of those 53, 39 were receiving psychotropic medications while only 9 had behavioral management plans on file. There was little, if any, documentation to indicate that those 9 behavioral plans were being implemented. Thus, out of 53 clients with behavior problems only 16 percent were receiving behavior management programming while 74 percent were receiving medication. Contrary to federal regulations, it appears that medication is used as a substitute for behavioral programming.

I—Abuse and neglect

All institutions had developed policies and procedures to protect against and report any client abuse. However, even with the existence of such policies, all superintendents indicated that abuse of clients does occur. While some superintendents stated that abuse of clients was less than in the past, every institution had fired staff in the past year for confirmed client abuse. Staff at one institution stated that client abuse occurs in one form or another on any given day at the institution.

In two institutions unexplained pregnancies of female clients were discovered when the clients were approximately eight months pregnant. One of the clients was nonambulatory and confined to a stretcher-like apparatus.

In two institutions locked time-out was utilized for behavior management. In one institution staff indicated that several clients were placed in locked time out each day. Dried blood was observed on the walls of the time out room.

J—Treatment, habilitation services, and education

All institutions offered an educational program for their age 21 and under residents, and some type of programming for adults. The overwhelming majority of residents received their programming on the grounds of the institution. While some residents received a full day of programming, some did not. Staff observed residents who received no programming at all and residents who were in bed 24 hours per day. Staff of institutions indicated that many residents were not receiving programs to meet their individual needs. Blind clients were observed who received no mobility training; non-verbal clients were observed who reportedly received no alternative communcation training; physically impaired clients were observed who received no training in feeding themselves with adaptive equipment.

Canceled classes, changes in scheduling, substitutes for absent staff were commonly observed occurences. Staff were questioned as to their awareness of the specific goals, needs, and program objectives for the clients they were working with. While some staff were clearly aware of the clients needs and implementing a program to meet those needs, some staff were not. It was not uncommon to hear statements such as "I'm really just the speech therapist, but I'm substituting for the person who usually runs this class."

Some pre-vocational and vocational training programs were offered in every institution. Staff frequently expressed frustration at being unable to provide appropriate vocational training/jobs for the clients. Few clients actually held jobs or worked at on-site job placements. One staff person stated that over half of the clients placed in the institution's vocational workshop could function successfully in a job setting less restrictive than a workshop, however, the appropriate alternatives were unavailable.

Observations and interviews revealed that contrary to PL 94-142, there are children under 21 receiving less than a full day of school and receiving schooling in environments which are not the least restrictive. Observation and interviews also revealed that there are adults in need of a full schedule of vocational training or job placement which is appropriate to their level of skill and independence who are not receiving such a program.

In all of the institutions, the residents who presented the most complex and profoundly handicapping conditions in need of intense therapy and training to maximize their development and prevent regression appeared to receive less programming compared to their higher functioning counterparts.

Others observed problems in the area of treatment and habilitative services including: children under 21 not attending school programs because of inadequate transportation or space; residents remaining in infirmaries all day with only an hour or two of programming; and decubitii (bedsores) on persons living in such units (which are the result of infrequently changed positions, proper padding devices, and/or inappropriate adaptive equipment). In one situation a little boy prone to hypothermia had not been out of bed for two years according to staff because of the lack of provision of a wheelchair which was adapted to allow the plugging in of an electric blanket.

A few exemplary programs were observed within the institutions. Most commonly these programs targeted a small number of clients (i.e., 10-20) for a specific purpose, such as visually and hearing impaired clients offered programming in a specially designed sensory stimulation environment.

IV—CONCLUSIONS

(1) Abuse and neglect of clients continue to persist in ICFs/MR despite a wide range of techniques and procedures utilized to attempt to eliminate this problem.

(2) In all seven facilities visited superintendents stated that there were many mentally retarded individuals in the institutions who did not belong there, but belonged in less restrictive settings. In at least one facility the superintendent judged the entire client population to be inappropriately placed there. The reason most frequently given for this situation was lack of appropriate alternatives. It is clear that a full continum of residential settings is not available to these individuals.

(3) Basic rights such as freedom of movement, privacy, and exercising choice over daily activities are abridged.

(4) A full program of active treatment appropriate to meet individual needs is not yet afforded to all individuals.

(5) The federal mandate (PL 94-142) requiring a free appropriate education for all handicapped children (age 3-21) has not been achieved for many institutionalized mentally retarded children and youth.

(6) Problems persist with the environment in institutions. These problems include barren living areas and lack of personal possessions and furnishings.

(7) Significant barriers to creating change were indentified by institutional administrators and staff.

Major barriers/impediments to change include:

The institution must retain residents inappropriately because necessary community alternatives do not exist.

Appropriate community alternatives do not exist because of inadequate financing to spur development; and, existing Federal codes are prohibitive to the development of affordable available housing for clients.

The current financial mechanism acts as a disincentive to community placement because the level of institutional revenue is tied to the size of the resident population.

Federal policy and regulation have not kept pace with changing professional knowledge and practice as to the most beneficial means of service delivery to this population. Examples include, Title XIX certification mandates requiring millions in capital spending for beds that should already be vacant or are projected to be vacant in the next few years.

Quality assurance mechanisms are variable and inadequate. Although the governing standards and regulations for each institution are the same, in actual practice state surveying agencies vcaried regarding what was allowed or overlooked.

Because the state has the authority to certify institutions for compliance to standards, there is little incentive to decertify, as such decertification would result in loss of federal funds. In essence the state could be denying itself federal funds which it would have to replace.

Institutions which had been investigated by the Department of Justice while certified for Medicaid reimbursement reported no knowledge of coordination between the Department of Justice and either the Department of HHS or the state certifying agency.

(8) The Federal government spends a disproportionate amount of funds on large congregate care facilities for the mentally retarded, as opposed to smaller living settings. A policy of support for institutions has been established against a back-drop of conflicting legislative mandates such as education for handicapped children in the least restrictive settings.

V—RECOMMENDATIONS

Despite the billions of dollars expended to run institutions for mentally retarded people, significant problems persist. The following recommendations are made:

(1) Clarify federal statute, policy and regulation to expand community services for mentally retarded persons. The lack of clarity has led to a steadily escalating two-tiered system which is rapidly becoming fiscally unmanageable as states have struggled to comply with ICF/MR regulations and at the same time craete community alternatives.

(2) Fiscal incentives must be provided to spur the development of community alternatives which will be required by the thousands of persons who will leave institutions.

(3) Fiscal disincentives to community development should be reduced.

(4) A task force should be established with representatives from the Health Care Financing Administration and other federal agencies with expertise in providing services to handicapped persons to make specific recommendations on how ICF/MR services might be changed to address the problems raised in this report and to better meet the needs of mentally retarded persons. Such a task force could be authorized as a Special Project in the Developmental Disabilities Assistance Act reauthorization bill.

(5) The mandate of the Protection and Advocacy Systems (authorized by the Developmental Disabilities Assistance Act) should be expanded to allow them access to records of clients in institutions when 1) a complaint is received on behalf of the client and 2) the client has no legal guardian other than the State. This access to records will enable active advocacy for clients' rights from an independent agency.

(6) The mandate of the State Development Disabilities Councils and the Protection and Advocacy Systems should be expanded to enable them to play an oversight role in reviewing conditions in institutions. Copies of annual survey reports of ICFs/MR and plans of corrections from ICFs/MR should be made available to both the Developmental Disabilities Councils and the Protection and Advocacy Systems. Both initatives could be included in the Bill reauthorizing the Developmental Disabilities Assistance Act.

(7) New positions of "Developmental Disabilities Specialist" should be established in each of the regional Health and Human Services Office. Individuals in these positions could assist in monitoring conditions in ICFs/MR, providing technical assistance, expanding community placements, and placing residents in the community who are inappropriately placed in institutions.

(8) A coordination mechanism should be developed between the Department of Health and Human Services and the Department of Justice to expedite the sharing of records and information regarding ICFs/MR and to coodinate investigations.●

USE OF CAYMAN ISLANDS BANKING SYSTEM BY DRUG TRAFFICKERS

● Mr. CHILES. Mr. President, a positive and important step has been taken toward reining in the flagrant abuse by drug traffickers of the Cayman Islands' banking system. The United States, United Kingdom, and the Cayman Islands Governments agreed in London recently to work closely and effectively together to bring to justice any narcotics traffickers who transact operations in the Caymans. Once this agreement is implemented, drug smugglers will no longer find a safe haven in the Caymans to hide their ill-gotten profits. The July 26 agreement announced by the three Governments reflects their determination to ensure that the financial operations of drug traffickers shall not be protected by Cayman bank secrecy law, the existence of which has turned a small Caribbean island into an important banking center. The secrecy law, however, has also attracted criminal elements who use some of the 449 banks and 18,000 registered companies of the 15,000-resident island to launder their drug profits and convert them to safe investments untouchable by Government authority. The new agreement seeks to put a stop to this abuse while at the same time preserving the integ-

rity of the offshore banking industry so important to the Cayman economy. It provides procedures for the U.S. Attorney General to apply to the Cayman Attorney General for documents to be used in narcotics-related cases. It also provides that after a 9-month trial, further negotiations may be entered into to widen the treaty to include other criminal matters.

I agree with the British Foreign Officer who described the agreement as a "trailblazer" in international law and Anglo-American relations. It is also to be hailed as the beginning signs of serious and concerted international law enforcement efforts to put an end to the lucrative underground drug economy which is an anathema to all civilized nations of the world.

I have urged quick settlement on similar treaties between us and our Latin American and Caribbean neighbors. I hope this one is the floodgate opening to all the others. I praise the Cayman Islands Government and the United Kingdom for taking this historic step with us.●

JERSEY WOMEN FLY JUMBO JETS

● Mr. LAUTENBERG. Mr. President, 1984 has been an historic year for America's women. For the first time in our history, a woman has been named the Vice Presidential nominee of one of our political parties.

In New Jersey, another barrier has been broken. Two People Express pilots, Beverly Burns of Roselle, NJ, and Lynn Rippelmeyer of Sparta, NJ, became the first women to fly Boeing 747 jumbo jets. Mr. President, I congratulate People Express and Ms. Burns and Ms. Rippelmeyer on this occasion.

I ask that a copy of an article from the Newark Star Ledger of July 19 be printed in the RECORD so that my colleagues might share my pride in these two outstanding women.

The article follows:

[From the Newark Star Ledger, July 19, 1984]

TWO JERSEY WOMEN FIRST TO PILOT JUMBOS

(By Angela Jones)

Declaring they have "opened the door" for women to fly the largest commercial aircraft in the world, two New Jersey residents became the first women to pilot Boeing 747 jumbo jets yesterday when their respective planes took off from Newark International Airport.

A People Express plane piloted by Beverly Burns of Roselle filled with passengers was scheduled to land at Los Angeles International Airport at 9 p.m. last night, while a company aircraft controlled by Lynn Rippelmeyer of Sparta was expected to touch down at Gatwick Airport, London, at about midnight.

With the historic flights coming after the naming of Geraldine Ferraro as the nation's first woman vice presidential candidate, the two female captains described the occasion as even more significant.

"In both cases, the women are where they are because they are qualified and not simply because they're women," said Rippelmeyer, 33. "I'm real pleased for her (Ferraro) and hope she's real pleased for us. Both occasions are indicative of the progress that has been made."

Jerry Potente and Abbe Rivers of New York City, passengers aboard the London flight, appeared ecstatic that a woman was at the helm of their aircraft.

"In the same week that we have Geraldine Ferraro we have women pilots," said Potente. "Now I'm waiting for the (New York) Rangers or the Jets to pick a woman. It's a whole new area."

Rivers said she thought the idea of women pilots was "just great."

"This is something I have been waiting for," she said.

According to the International Social Affiliation of Women Airline Pilots, there are only five airline captains in the world qualified to fly large jet aircraft (90,000 pounds or more).

Burns, a native of Baltimore, and Rippelmeyer, who grew up in Illinois, began their careers as flight attendants for other airlines and quickly decided they wanted to become pilots. They took private flying lessons and began flying for small commuter or cargo lines.

The two joined People Express in 1981 as first officers and were promoted to the position of captain in 1982. Burns has flown both 727s and 737s for People, while Rippelmeyer has co-piloted a 747 cargo carrier and piloted a 737 for People.

They feel they got the opportunity to become pilots earlier than most individuals because the carrier is only four years old, having been created two years after federal deregulation of the airline industry. Both woman say they have become accustomed to surprised reactions from passengers.

"One lady refused to get on board once when she found out the pilot was a woman," recalled Burns, a former sewing instructor who would not divulge her age. "But I just asked her who took care of the financial matters in her household and kept things operating efficiently. When she realized that she did, then she understood that there was really no difference between what I was doing and her job."

As captains, the women are responsbile for making all decisions regarding the aircraft, including flight patterns, landing and takeoff and any emergency action which may be necessary during the flight.

Federal Aviation Administration (FAA) regulations required them to undergo additional training and certification to pilot the jumbo jets, including written and simulated flight tests. But to Burns and Rippelmeyer, it has all been well worth the effort.

"When I first started in this business, I didn't know this was a possibility," said Ripplemeyer, who is single. "I want women to know that piloting is a career choice."

She recalled her early days as a commercial pilot, and said things were not as rosy, however.

"Even five or six years ago, people would stop and look in the cockpit and if they saw a woman they would think it was the captain's secretary or the flight attendant even if you were dressed like the other pilots,' she explained. "Men would nudge each other and wonder if they should board the plane. They meant it humorously, of course, but it just showed that we weren't taken seriously."

Burns, who is married to a management consultant, said she has found that after people experience flying with a woman pilot once, they never have doubts again.

"After one flight, they tell you that it was the best flight they have ever taken," she said. "They want to take pictures with you and show you to their grandchildren.

Miguel Ortiz, who was the flight engineer aboard Burns' Los Angeles flight yesterday, said he has no problem working with female crew members.

"We all go through the same requirements and by the time you reach the airplane, you're quite confident," he said. "I'm pretty excited about it."

Rippelmeyer said that although it takes less "muscle" to fly a 747, there is a lot more preparation involved.

"You have to anticipate much more ahead of time," she said. "You're dealing with four engines instead of just one."

Although they do not receive any salary increase for advancing to the world's largest commercial airplane, Rippelmeyer said just the experience of flying the jumbo jet is enough compensation.

"The public and the industry alike make it more prestigious," she said. "I don't think it's deserving of any more money and that's how it should be."●

TRIBUTE TO DR. STANLEY REITMAN

● Mr. EAGLETON. Mr. President, I would like to bring to the attention of my colleagues the passing of a fellow Missourian whose life exemplified the finest traditions of our Nation. As a practicing physician, he was a healer of the ill, but more than that, he also served his peers and the public as chief of staff and a member of the board of directors of Christian Hospital Northeast/Northwest, in St. Louis. He was a world renowned scientist, educator, author, friend, and counselor to hundreds or students who studied under him. He was a humble man who shunned the spotlight and, unfortunately, the millions of people worldwide who have benefited from his scientific contributions do not know his name.

Dr. Stanley Reitman graduated in 1953 from the Washington University School of Medicine in St. Louis and began his internship at Jewish Hospital, also in St. Louis; 4 years later, in 1957, the American Journal of Clinical Pathology published the Reitman-Frankel Transaminase Procedures, a method sufficiently simple to be used in any laboratory to determine whether a patient had suffered heart or liver damage.

It was entirely true to character that Drs. Reitman and Frankel declined to patent their procedure, and instead offered it to their hospital and the entire medical community as a contribution. The techniques of the Reitman-Frankel procedure have become standard througout the world, raising the level of health care for millions of people.

Dr. Reitman should stand as an example of the selfless, humane, and compassionate spirit that symbolizes

the best of this country. I invite my colleagues to join with me in paying tribute to Dr. Reitman and in extending our sympathy to his family and friends. He will be deeply missed.●

ORDER FOR H.R. 5890 TO BE HELD AT THE DESK

Mr. STEVENS. Mr. President, I ask unanimous consent that H.R. 5890 be held at the desk until the close of business on Wednesday, August 1.

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

BILL REFERRED TO COMMITTEE ON THE JUDICIARY

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill introduced today by Senator GRASSLEY, providing for administrative agencies to waive certain claims of the United States, be referred to the Committee on the Judiciary.

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

SENATE JOINT RESOLUTION 323 INDEFINITELY POSTPONED

Mr. STEVENS. Mr. President, I ask unanimous consent that Calendar No. 1069, Senate Joint Resolution 323, be indefinitely postponed.

POLISH AMERICAN HERITAGE MONTH

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House Joint Resolution 577, Calendar No. 1071.

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

The bill clerk read as follows:

A joint resolution (H.J. Res. 577) designating August 1984 as "Polish American Heritage Month."

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed.

The preamble was agreed to.

HOUSE CONCURRENT RESOLUTION 342—ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate House Concurrent Resolution 342.

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

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 342) relative to adjournment to a date certain during the remainder of the Ninety-eighth Congress.

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

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

Mr. STEVENS. Mr. President, I temporarily withdraw the request that is pending.

ORDER TO HOLD AT THE DESK H.R. 6013, A BILL TO AMEND THE SMALL BUSINESS ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that once the Senate receives from the House of Representatives H.R. 6013, a bill to amend the Small Business Act, it be held at the desk pending further disposition.

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

ORDER DISCHARGING THE COMMITTEE ON ARMED SERVICES FROM FURTHER CONSIDERATION OF H.R. 4952

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of H.R. 4952, a bill to authorize the Secretary of Defense to provide assistance to certain Indian tribes for expenses incurred for community impact planning activities relating to the planned deployment of the MX missile system, and it be placed on the calendar.

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

WITHDRAWAL OF RESERVATION—TREATY DOCUMENT NO. 98-29

Mr. STEVENS. Mr. President, as in executive session, I ask unanimous consent that a message received by the Senate on July 27, 1984, from the President of the United States, requesting the advice and consent of the Senate to withdraw a reservation made by the United States when depositing its instrument of ratification for the Patent Cooperation Treaty on November 26, 1975, be printed with accompanying papers (Treaty Document No. 98-29) and referred to the Committee on Foreign Relations, and that the President's message be printed in the RECORD.

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

The message is as follows:

To the Senate of the United States:

With a view toward receiving the advice and consent of the Senate to withdraw a reservation made by the United States when depositing its instrument of ratification of the Patent Cooperation Treaty on November 26, 1975, I transmit herewith a copy of the Patent Cooperation Treaty, 28 UST 7645, TIAS 8733, signed at Washington on June 19, 1970. I transmit also, for the information of the Senate, the report from the Department of State with respect to this matter.

When depositing its instrument of ratification with the World Intellectual Property Organization in 1975, the United States made three declarations, one of which was a reservation under Article 64(1)(a) of the treaty to the effect that the United States would not be bound by the provisions of chapter II. Of the present 36 parties to the Treaty, only five others are not bound by chapter II. Patent applicants from States bound by chapter II are accorded extended time limits before having to initiate foreign patent processing, which permits a more thorough patent protection and commercial evaluation of the products involved.

The treaty consists of two substantive chapters. Chapter I affords applicants a period of 20 months from the priority date of the international application to undertake national patent processing. During this period, applicants obtain an international search report to help them decide whether to proceed with patent prosecution.

Chapter II is optional and gives applicants additional time and an international preliminary examination report, thereby allowing them to become even more selective of the countries in which they ultimately decide to proceed.

The United States made a reservation concerning chapter II in 1975, primarily because of then-prevailing opinion that divergent patent examining methods and systems of other potential member countries made adherence impracticable. This concern has been alleviated. To carry out the provisions of chapter II, implementing legislation will be necessary. This legislation has been drafted and will be forwarded shortly. Article 64(6)(b) of the Treaty provides that the withdrawal of a reservation to chapter II shall take effect three months after the Director General of the World Intellectual Property Organization has received notification of such a withdrawal. To ensure that our domestic laws conform with our expanded international obligations, I do not plan to notify the Director General of the withdrawal of our reservation to chapter II until after the Senate has informed me of its advice and consent to the withdrawal and Congress has enacted all legislation necessary to implement that withdrawal domestically.

Adherence to chapter II of the Patent Cooperation Treaty is in the

best interests of the United States. I recommend, therefore, that the Senate give early and favorable consideration to this matter and give its advice and consent to withdrawing the U.S. reservation previously made under Article 64(1)(a) of the treaty.

RONALD REAGAN.

THE WHITE HOUSE, *July 27, 1984.*

HOUSE CONCURRENT RESOLUTION 342—ADJOURNMENT OF THE TWO HOUSES OF CONGRESS

Mr. STEVENS. Mr. President, I ask that the Chair lay before the Senate House Concurrent Resolution 342, relating to the adjournment of either House longer than 3 days or sine die.

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

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 342) relative to adjournment to a date certain during the remainder of the Ninety-eighth Congress.

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

Mr. STEVENS. Mr. President, I ask for adoption of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (H. Con. Res. 342) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that I be permitted to move en bloc to reconsider all the items that were subject to reconsideration that had just been completed.

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

Mr. STEVENS. Mr. President, I move to reconsider the vote by which those items were adopted.

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

The motion to lay on the table was agreed to.

WITHDRAWAL OF MOTIONS FOR RECONSIDERATION—H.R. 1428

Mr. STEVENS. Mr. President, on July 26, in connection with H.R. 1428, I entered a series of motions to reconsider certain votes, the motion to reconsider the vote by which H.R. 1428 was passed, the motion to reconsider third reading of H.R. 1428, and a motion to reconsider the vote on the Moynihan amendment numbered 3423. I now withdraw those motions to reconsider.

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

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to reconsider those items en bloc.

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

Mr. STEVENS. I move to reconsider those items en bloc.

Mr. BYRD. I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

ORDERS FOR WEDNESDAY

ORDER FOR RECESS UNTIL 11 A.M.

Mr. STEVENS. Mr. President, I ask unanimous consent when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATORS THURMOND AND PROXMIRE

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow, following the time for the two leaders under the standing order, there be special orders for Senator THURMOND and Senator PROXMIRE, not to exceed 15 minutes each.

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

ORDER FOR ROUTINE MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that on tomorrow, following the special orders, there be a period for the transaction of routine morning business, not to extend beyond 12 noon, with statements therein limited to 5 minutes each.

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

RECESS UNTIL 11 A.M. TOMORROW

Mr. STEVENS. Mr. President, is there any further business to come before the Senate? If there is not, I move the Senate stand in recess in accordance with the previous order.

The motion was agreed to; and the Senate, at 6:42 p.m., recessed until Wednesday, August 1, 1984, at 11 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, July 31, 1984*

The House met at 12 o'clock noon.

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

Thy word is a lamp unto my feet and a light to my path.—Psalm 119:105.

Gracious God. You have given Your good Word for our comfort and direction, help us to allow Your Word to refresh us and give us grace, to heal us and forgive us, and to give us confidence and hope for the days ahead. We recognize that we need Your strong Word to remind of Your love to us and encourage us along life's way. In Your holy name, we pray. 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 it clerks, announced that the Senate had passed with an amendment in which the concurrency of the House is requested, a bill of the House of the following title:

H.R. 1904. An act to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1904) "An act to extend and improve the provisions of the Child Abuse Prevention and Treatment Act and the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978," requests a conference with the House on the disagreeing vote of the two Houses thereon, and appoints Mr. HATCH, Mr. DENTON, Mr. NICKLES, Mr. KENNEDY, and Mr. DODD to be the conferees on the part of the Senate.

LET US NOT CLOSE THE DOOR ON SYNFUELS DEVELOPMENT

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

Mr. DURBIN. Mr. Speaker, the Synthetic Fuels Corporation is in trouble. There is a lack of quorum on the Board, and the funding levels are a matter of hot dispute on Capitol Hill. President Reagan has requested a significant cut in the spending levels for the Synthetic Fuels Corporation and has said that he will not appoint a quorum to the Board so that they can act until the spending cuts are made. It is like asking your father for the keys to the family car and he says he would be glad to give it to you as long as the gas tank is empty.

Today the House of Representatives will have two amendments before it relative to the funding of the Synthetic Fuels Corporation. The $10 billion cut by Congressmen CONTE, WOLPE, and SYNAR would virtually end our national commitment to developing a synthetic fuels industry. It would preclude funding existing contracts, and it would eliminate the possibility of funding any new projects, including any midwestern coal projects.

The $5 billion cut proposed by Congressmen RATCHFORD and MCDADE would send a clear message to Synfuels and the President that we will no longer tolerate mismanagement and appointees who have no commitment to the mission of the agency. But it would leave a relatively small amount for funding deserving smaller efforts which are essential to preserving the synthetic fuels industries.

I urge my colleagues to contain their anger and frustration over mismanagement at Synthetic Fuels. Bad managers will come and go, but the growing energy needs of our Nation will continue. Let us not vote today to cut $10 billion from Synfuels and close the door on synthetic fuels development. Vote "yes" on the Ratchford cut for $5 billion; vote "no" on the Conte cut for $10 billion.

WE NEED THE NEW GI BILL

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

Mr. MONTGOMERY. Mr. Speaker, the Brookings Institution reports that the declining pool of eligible military recruits may force a return to the draft in the 1990's if we are to maintain force levels in our military.

In my opinion, we can deter the need for a draft by passing the GI education bill now pending in the DOD conference.

The GI bill is strongly supported by the House of Representatives as you voted for it in the military authorization bill. We believe it can provide the kind of incentive necessary to recruit and retain qualified young men and women for our Armed Forces.

The GI bill offers more than just bonus pay to new recruits. It offers an opportunity for higher education that will mean better jobs, higher incomes, and security.

For the sake of America's security, it's time to pay attention to the signs. Recruitment will be tough in the near future. It makes more sense to give the all-volunteer system a real opportunity to work than to reinstate the draft. The new GI bill is that opportunity. We need a military conference report and we need the GI bill.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. MCNULTY. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation be permitted to meet during the 5-minute rule in the House on July 31. That has been cleared with the minority.

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

Mr. CHENEY. Mr. Speaker, reserving the right to object, the minority has no objection, and I withdraw my reservation of objection.

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

There was no objection.

□ 1210

WILL AMERICA BECOME A TAX HAVEN NATION?

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

Mr. BARNARD. Mr. Speaker, within the next few days Treasury Secretary Donald Regan will be announcing a decision that will advance or dramatically set back this Nation's continuing and vital struggle against tax evasion. The Secretary will announce regulations implementing section 127 of the Tax Reform Act of 1984, which repealed the 30-percent withholding tax on interest payments to foreigners who own public and private U.S. portfolio investments. These tax-free Treasury and corporate debt instruments—which will be sold in the United States and abroad—provide a tempting target of opportunity to or-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

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

ganized crime families, drug dealers, and other U.S. tax evaders.

The only way to prevent such tax evasion is for the Treasury Secretary to impose on the sale of this debt, stringent procedures that will identify their beneficial owners and require them to prove their foreign status. There are disturbing reports, however, that some Treasury officials regard effective tax compliance procedures to be an annoying impediment to the easy sale to foreigners of tax-free U.S. debt instruments. They are counseling the promulgation of procedures that will facilitate rather than deter tax evasion. They want Treasury bonds sold in bearer form and to owners of secret accounts in tax haven nations, thereby preventing IRS from knowing the identities of the true owners.

Mr. Speaker, we need a stronger not a weaker tax compliance system. Such a system would produce for the U.S. Treasury an additional $100 billion per year—almost 60 percent of this year's projected budget deficit.

I have written Treasury Secretary Regan and IRS Commissioner Egger and advised them that if Treasury's implementation of tax withholding repeal thwarts tax compliance, my Subcommittee on Commerce, Consumer and Monetary Affairs will immediately hold a public hearing. The Treasury Department will have to answer one question: Will your procedures help or hinder IRS in identifying U.S. taxpayers masquerading as foreigners?

I urge my colleagues on Ways and Means and other interested Members to communicate with Don Regan and let him know that Congress will not allow America to become a tax haven nation.

THE REAGAN SOCIAL SECURITY PROPOSAL

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

Mr. WEISS. Mr. Speaker, the President says that he wants to raise Social Security benefits. At first this seems surprising—almost like James Watt saying that he genuinely wants to protect the environment or Donald Regan saying that $200 billion deficits are a cause for concern. But it all becomes clear when we look at when it will happen: Just days before the November election.

Will senior citizens be fooled by this cynical proposal? Not likely. The President slashed Social Security in 1981 and again in 1983. And just last month he approved the latest in a series of Medicare cuts, significantly raising the premium for participation in Medicare part B.

Usually, the President can't stop talking about different ways to cut Social Security. But if he whistles a different tune between now and November, it won't make up for 3 years of suffering for our senior citizens. Only a change in Presidents will protect and restore fairness to Social Security.

POLITICAL CHICANERY OVER SOCIAL SECURITY

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

Mr. BIAGGI. Mr. Speaker, I urge the House to join the Senate in passing legislation to ensure that all Social Security recipients in fact receive a cost-of-living increase in January of 1985 whether or not the inflation rate goes below 3 percent in the final quarter of 1984.

The saga of the COLA guarantee is interesting. It first was raised during the President's news conference last week and in effect he proposed the idea. Yet leading officials in his administration have been evoking fears in present and future Social Security recipients by suggesting that further reforms may be needed in Social Security becauses its fiscal solvency is still in doubt.

If this were true—the last thing the administration would want to do is bypass the considerable savings which would accrue were the COLA to be bypassed.

I think the more accurate reflection of the situation is that the 1983 Social Security Reform Act not only rescued Social Security—but also placed it on very sound fiscal footing for the next 75 years. This allows a COLA to be provided even when it is not automatically provided under law. This should also end all discussions about future reforms being needed in the system. The time for political chicanery over Social Security has ended.

RUN, JEFF, RUN

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

Mr. FASCELL. Mr. Speaker, today, I rise to tell you about a special person—Jeff Keith. Jeff Keith lost his leg to cancer when he was only 12 years old. Now, at 22, he is a recent graduate of Boston College where he held the position of first-string goalie on the Boston College lacrosse team.

In June, Jeff Keith started a run across the entire country, from Boston to Los Angeles, to heighten the awareness of Americans to those who have cancer or who are handicapped.

Jeff Keith's message is a simple one—a message we can all endorse and that is: "Disabled does not mean unable" and "cancer can be beat."

Jeff Keith's run across America is not just a show of courage. It's not just an epic run. It is a loud and clear message to the American people. As Jeff Keith describes himself, he says, "I'm not physically handicapped; I'm physically challenged."

Jeff challenges us all, to match his courage and to match his endurance. Mr. Speaker, I know all of our colleagues will join me in wishing him the best of luck. I am honored to bring Jeff Keith's message to this body and this Nation, and that is: "Disabled does not mean unable" and "cancer can be beat."

PUTTING THE FOX BACK IN THE CHICKEN COOP

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

Mr. SIKORSKI. Mr. Speaker, the appointment of former EPA Administrator Anne Gorsuch Burford to a Federal environmental advisory panel is a lot like putting the fox back in the chicken coop after it devoured last year's brood.

During her term at EPA, only 6 of the 418 national priority list hazardous waste sites were cleaned up, and the number of cases handed over to the Department of Justice for litigation was reduced by 70 percent. She opposed reauthorization of the Superfund and cut basic environmental protection programs by 30 percent.

Even more shocking is the fact that hazardous waste cleanup efforts were determined by politics, not the health and safety of millions of Americans. We, in Minnesota, felt the direct impact of her cavalier attitude when funding for cleaning up the Reilly Tar site was delayed for apparent political reasons.

She, herself, called this appointment a joke. I agree. But it hurts when we laugh.

□ 1220

TARGETING FUNDS FOR COMBATING UNEMPLOYMENT

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

Mr. OWENS. Mr. Speaker, there is still a desperate unemployment problem in this country. It appears that most Members of the House do not regard unemployment as a problem, but in New York City the unemployment rate jumped dramatically to more than 10 percent while the rest of the Nation's unemployment rate was going down. In the 12th Congressional District, my district, a large part of New York City's unemployment is generated.

Although the Democratic National Convention did not see fit to address this issue, I assure the Members that unemployment, which is desperate and concentrated and intensified in certain areas of the country, is a problem, and this Congress needs to send a message that we are concerned about those people who are on the bottom and need jobs in order to survive.

Since most districts do not have a problem, I think we have an opportunity here. We can address the problem without having a dramatic impact on the deficit. Since most districts do not have a problem, we can be spared the lengthy and needless wrangling about formulas which guarantee that everybody gets a piece and just concentrate on those districts where unemployment is the highest. If we would take the 100 congressional districts in the country which have the worst unemployment problem, we could target money in the Community Renewal Act which this House has already passed, and we would come in at a figure of less than one-third of the amount already in the budget for this purpose.

Mr. Speaker, I think we should be fair to the people on the very bottom, and for this less than one-third of the amount already budgeted, we should target the job funds to those districts that need them the most. We should send a message that we care about the people on the very bottom.

AN UPDATE ON ANTICRIME LEGISLATION

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

Mr. HUGHES. Mr. Speaker, I take to the floor today to attempt once again to turn around the increasingly partisan rhetoric in regard to anticrime legislation. I also want to reemphasize to my colleagues, something I am sure they know, and that is that State and local criminal justice agencies handle over 95 percent of the total criminal justice workload in this country and because of severe budgetary problems, they are not able to handle any new anticrime projects. The only bill before the Congress which can assist them in these crucial endeavors is the Justice Assistance Act of 1983 (H.R. 2175) which passed the House of Representatives in May 1983 by a bipartisan vote of 399 to 16. It has been languishing in the Senate since that time—14 months with the active encouragement of the White House.

If my colleagues in the Senate or the House have any doubt as to the priority our State and local officials place on the Justice Assistance Act of 1983, I suggest they contact the National Governors Association, the National District Attorneys Association, the National Association of Attorneys General, or the National Association of Counties—just to name a few—and ask them what individual bill before the Congress would be of the most assistance to them in their day-to-day activities to combat street crime.

This justice assistance bill is targeted at specific crime programs such as career criminals, prison overcrowding, and arson which have been tested and proven to work.

If the administration and the Senate are serious about fighting violent crime, let them look at where 95 percent of it occurs, at the State and local levels. I urge them to stop partisan fingerpointing, pass the Justice Assistance Act, and let's get down to the serious bipartisan business of legislating assistance to those who can put offenders behind bars and make our streets and our communities safe once again.

A CALL FOR ENACTMENT OF THE JUSTICE ASSISTANCE ACT IN COMBATING CRIME

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

Mr. WRIGHT. Mr. Speaker, I join the gentleman from New Jersey [Mr. HUGHES] in calling upon the other body to pass without delay this much-needed Justice Assistance Act.

Fighting crime in America is too important a task to fall victim to partisan fingerpointing. President Reagan said in a news conference on February 22, "The security of our people should take precedence over partisan politics." It is in that spirit that the Justice Assistance Act was passed in the House. It has been pending, as the gentleman from New Jersey said, in the other body for 14 months. It ought to be passed immediately.

The passage of that bill would go a very long way toward assisting local law enforcement officials to end the reign of terror which drugs and organized crime are creating in the streets. A proper emphasis for Federal anticrime activity is by helping State and local officials to come to grips with it where it occurs. This bill would do so.

So, Mr. Speaker, I join my friend, the gentleman from New Jersey, the chairman of this important subcommittee, in once again calling upon the other body to pass this bill without delay.

POPULATION: WILL THE ADMINISTRATION LISTEN TO BRAZIL?

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

Mr. LEVIN of Michigan. Mr. Speaker, in the New York Times on Saturday, there was this story:

The Brazilian "military government, which has long regarded a fast-growing population to be essential to the country's development, has for the first time started promoting an official family-planning program." It goes on:

> With its population growing by 2.4 percent a year and expected to rise from 130 million today to 180 million in the year 2000, Brazil was, until now, the most populous developing country in the world without a government family-planning program.
>
> "This country will never improve itself by growing in this way," the Brazilian Chief of Staff said recently. "This mass acts like a steamroller that crushes all development * * *.

The story continues as follows:

> Aware of the political hazards involved, the Government is moving cautiously, emphasizing that its new $15.5 million program involves all aspects of women's health and avoids setting a target for the country's population growth rate by the year 2000.

Mr. Speaker, it is ironic that the Reagan administration is about to march in an opposite policy direction from Brazil at the World Population Conference beginning next week in Mexico City. I hope it will hear what Brazil is saying and reconsider its recently issued, reckless position paper.

THE IMPLICATIONS OF TWO SOVIET BOYCOTTS

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

Mr. BROOMFIELD. Mr. Speaker, the Soviets have made it clear that they won't play by internationally agreed rules unless they can bend them to their advantage.

Their decision to boycott the Olympics was irritating and disappointing but not dangerous to the peace of the world.

Their boycott of arms control negotiations is far more serious.

The administration is correct in exercising caution despite the election year pressures on it to come up with any agreement before election day.

A review of Soviet treaty compliance over the last 25 years bears out the conclusion that they cheat.

Whatever further agreements we make with the Soviets must be clearly verifiable and grounded in a sober understanding of what is in the best long-range interests of the United States and not designed merely for short-range political window dressing.

In arms control negotiations with the Soviets, there can be no gold medal winners unless both sides cooperate and play by the rules.

Unless we proceed with caution, we may find after the election that our gold medal is only a brass ring.

INTRODUCTION OF BILL TO GRANT COLA'S TO RAILROAD RETIREES

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

Mr. SHUSTER. Mr. Speaker, today I have introduced a bill which will grant rail retirees the same cost-of-living adjustment that Social Security recipients will receive in January 1985 under President Reagan's initiative.

When this body passed the Railroad Retirement Solvency Act, we needed a quick fix. Today, nearly 1 year later, we find the fix has worked. It has worked so well, it is time to restore benefits to these retirees. One such benefit to restore is a cost-of-living adjustment.

Railroad retirees had no COLA in January 1984. Their July COLA has been delayed, and they face another COLA offset in January 1985.

Rail retirees 1984 COLA has been diverted into the rail retirement fund. This diversion has increased the wealth of the fund by $11 million a month since January 1, 1984, and this is only one of the provisions in the act to create a surplus of funds in the Rail Retirement System. All the reports from the Railroad Retirement Board, and the five-man Rail Unemployment Commission indicate the well-being of the system.

H.R. 1646 passed because the system was sick. Today, the recovery is apparent. The President has stated he will ask Congress to guarantee Social Security recipients a COLA in January 1985. We have already seen action by the other body on this issue. As we take up this issue, let us not forget the railroad retirees. With the Railroad Retirement System now in sound shape, there is no need for these people who have worked so hard and sacrificed past COLA's to be discriminated against. I only ask for equity. I ask your support for this legislation to guarantee railroad retirees the same COLA Social Security recipients will receive in January 1985.

□ 1230

PUTTING AMERICANS TO WORK

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

Mr. DANNEMEYER. Mr. Speaker, GNP growth may be significant to economists, statisticians, and business investors, but a far more meaningful indicator of the success of an economic policy is employment. GNP is intangible; jobs are real.

The dramatic upturn in employment, and concomitant decrease in unemployment, augurs well for the President's economic policy. In 1981, civilian employment totaled 100,397,000; as of June 1984 it numbers 105,700,000—5,100,000 new jobs, for an increase of 5.1 percent. Even more impressive is the growth since December 1982—generally regarded as the nadir of the recession—when civilian employment stood at 99,093,000; that's 6,600,000 additional jobs in just the past 18 months; 775,000 of those jobs have been in my State of California—10,951,000 in December 1982 to 11,726,000 in June 1984.

The unemployment rate in this same period declined from 10.8 percent in December 1982 to 7.1 percent this June. Incidentally, economic forecasters projected a rate of about 9.4 percent for 1984, and both OMB and CBO projected 7.8 percent. California shared in this bounty, as its unemployment dipped from 11 percent in December 1982 to 7.5 percent last month.

Although interest rates remain unacceptably high, which is primarily due to congressional deficit spending, it is reassuring to know that on two fronts, inflation and unemployment, the President's programs are working.

AN AMERICAN DREAM THREATENED

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

Mr. GREGG. Mr. Speaker, the dream that anyone in this Nation has an opportunity to become President is being threatened. It is being threatened, unfortunately, by the very fine and very honorable gentleman from Arizona, who is today introducing a bill which would eliminate the place of Iowa and New Hampshire in our selection process for the President. Without New Hampshire, we will have no forum for those not anointed by the Washington establishment to compete. Without New Hampshire, we will have no forum for people who wish to campaign on a shoestring and wish to campaign out of individual energy to have an opportunity.

The choice is simple. Without preserving New Hampshire as a first place for primaries in this country, government by democracy will be seriously limited and we will return to government by the Washington-based national news media.

THE MISERY INDEX—INFLATION RATE AND UNEMPLOYMENT

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

Mr. MACK. Mr. Speaker, when Ronald Reagan took over the Office of President in 1981, Jimmy Carter and Walter Mondale left him an economy with a misery index of 20.1 percent.

Now, in case some of us have forgotten what the misery index is, it is a combination of inflation, plus unemployment. I would remind you that was 20.1 percent.

Now 4 years later a record 105 million Americans have jobs, and inflation is just over 4 percent.

Mr. Speaker, the misery index is at an 11-year low—let me repeat that—an 11-year low, now standing at just 11.2 percent.

Over the past several weeks we have heard much talk about fairness. Fairness is a dramatic increase in jobs and an equally dramatic decrease in inflation. Fairness is allowing hard-working Americans to keep more of their paychecks. Fairness, Mr. Speaker, is the policy of Ronald Reagan.

4 YEARS IS A LONG TIME AGO

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

Mr. HUNTER. Mr. Speaker, 4 years is a long time ago. It's 48 months, 208 weeks, or 1,460 days ago. For the average American taxpayer the distance in time can be measured in other terms: 4, years is 8 interest percentage points, 9 inflation points, or 7 million new jobs ago. It was a time when hope for the future had given way to economic dispair.

In 4 years, the Reagan economic plan has blossomed into economic recovery. The beginning of this process or renewal can be traced back to a specific point in time 4 years ago: the day President Carter and Vice President Mondale once again became private citizens.

TRUST MONDALE ON THIS ONE

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

Mr. EMERSON. Mr. Speaker, the public is generally skeptical when a politician makes a campaign promise whether or not you can be 100 percent sure that that promise will be kept; but when Mr. Walter Mondale guarantees the American people that his administration would provide a hefty increase in taxes, that is a promise you can bank on.

Walter Mondale's record is pure and spotless on that score. Since his days in the Senate, he has worked tirelessly and effectively to spend your hard-earned tax dollars in a never-ending effort to catch up with his promises to special interests.

On raising taxes, Mr. Mondale is one politician who can be trusted—absolutely.

GETTING TOUGH ON CRIME

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

Mr. WALKER. Mr. Speaker, I found fascinating the Democratic response today to the Republican effort in this House to get action on tough criminal code reforms. Their reaction is a demand to try to get the Senate to act on re-creation of another Federal Government pork barrel boondoggle.

Why not get tough on crime, like the President has proposed, pass his program here in the House? It has already passed the Senate 91 to 1.

But the Democrats do not even like to talk tough about crime, let alone do something tough. In their platform statement on crime, the only time the word "tough" is mentioned is when they talk about gun control; in other words, going after law-abiding citizens who own a gun to protect themselves.

There is nothing in their platform about murder, rape, armed assault, and the other crimes that most affect and most concern most Americans.

I think, just like was said this morning, crime should not be a partisan issue, but when one party decides it is not important enough to vote on in this House, then the American people ought to know the facts.

U.S. FORCES STAND TALL IN BEIRUT

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

Mr. ALEXANDER. Mr. Speaker, yesterday marked the end of a painful, tragic era in American foreign policy—the last American combat troops were withdrawn from Lebanon.

I know that every Member of this House joins me in extending to those who served in that troubled country the gratitude of this Congress and the American people for their courage and commitment in a time of crisis.

While there is much dissension over the President's commitment of American troops to Beirut and the manner in which those troops were deployed, there is no disagreement that the proud traditions and professional standards of the U.S. Marines and our Nation's Armed Forces were well served by those who were called upon to carry out U.S. policy in Lebanon.

In short, while the policy fell short, our Americans stood tall. To those 260 American families whose loved ones died in that tragic conflict, I would say that their grief is one which is shared by all Americans. We will always remember, and be grateful.

A TRIBUTE TO MARY ELIZABETH PRUETT FARRINGTON, A REMARKABLE WOMAN

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

Mr. AKAKA. Mr. Speaker, on Monday, July 21, a remarkable woman died. At the age of 86, Mary Elizabeth Pruett Farrington died in Honolulu.

Mrs. Elizabeth Pruett Farrington lived a life of great accomplishment. Born in Tokyo, Japan, in 1898, her early experiences in the Far East stimulated her interest in world affairs. Armed with a degree in journalism from the University of Wisconsin, she became a newspaper correspondent in Washington, DC, in 1918. It was in 1920 that she married Joseph A. Farrington.

In 1942, after serving for 8 years in the territorial senate in Hawaii, Joseph Farrington was elected Delegate to the U.S. Congress. In 1954, Delegate Joseph Farrington died in the middle of his sixth term, with his work on statehood for Hawaii not yet completed. On July 31, 1954, Mrs. Farrington was chosen by a special election to serve as a Delegate to the Congress. She took office on August 4 and immediately began to work for Hawaiian statehood.

Mrs. Farrington visited President Eisenhower and important Members of the House in order to seek their support for statehood. In spite of the fact that the campaign platforms of both parties had urged statehood for Hawaii, a bill embodying this proposal died in the House Rules Committee during the 83d Congress after it had been passed in both Houses. In the Senate it had been incorporated in a proposal also granting statehood to Alaska. To those critics of the bill who feared loss of Federal control of strategic defense areas in Alaska, Mrs. Farrington suggested that Alaska be made a military reservation.

In 1954, Mrs. Farrington won her bid for reelection and served in the 84th Congress, where one of her first acts was to submit a new statehood bill for Hawaii. She left Congress in 1956.

Upon her return to Hawaii, she became publisher of the Honolulu Star Bulletin. From 1970–73 she worked for the U.S. Department of the Interior.

Mrs. Elizabeth Pruett Farrington was a dynamic woman who served her country and our beloved State with grace and with dignity. Her contributions to Hawaii's drive for statehood will never be forgotten.

EDSEL FICKLE FIN AWARD TO DETROIT FOR WASTING ENERGY

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

Mr. STARK. Mr. Speaker, we need a trophy for the dumbest auto idea of the year. We could call it the Edsel Fickle Fin Award. I would suggest that this year it go to General Motors and Ford for the dumb idea of weakening the mileage efficiency standards.

We should turn a deaf ear toward weakening those standards, and we should be debating extending and toughening the standards, not weakening them.

We are asked to spend billions of dollars in synfuels subsidies; billions of dollars to build windmills, solar panels, and steam wells to generate energy. Those billions would create a drop in the oil bucket compared to the energy savings we now have because we had the foresight to add auto mileage efficiency standards years back.

Those who forget history are condemned to repeat it; so unless Detroit continues the quest for more efficient cars, we will have long oil lines again, and we will have collapsed sales, and increased interest in Japanese automobiles.

□ 1240

THE DEFINITION OF A "NOTHINGBURGER"

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

Mr. MARKEY. Mr. Speaker, many people wondered what Anne Burford meant when she called the National Advisory Committee she has been appointed to chair a "nothingburger." It is time to define this new, unfamiliar term.

My idea of a nothingburger is James Watt as chief protector of the environment. It is Rita Lavelle and her campaign to play politics with the Superfund cleanup effort. Yes, a nothingburger is the appointment of a former counsel to a forestry company as head of the National Forest Service. It is the horrible mismanagement by Anne Burford of the Environmental Protection Agency.

In sum, it is the Reagan environmental policy that is the nothingburger: a policy of malign neglect, a policy of private profiteering at public expense, a policy of contempt for the environment and the future of our children.

Anne Burford is back. And to Mr. Reagan I say, "Fool us once, shame on you. Fool us twice, shame on us." I don't think anyone is going to be fooled this time around.

Mr. President, the American people have no appetite for these nothingburgers—or Anne Burford—any longer.

CRIME LEGISLATION

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

Mr. COELHO. Mr. Speaker, recently there has been a chorus of dismay voiced by both the Senate and Presi-

dent Reagan that the House has bottled up the crime package just passed by the Senate. However, the Senate now has an opportunity to act to pass an important piece of legislation that would help local governments in providing security for our citizenry.

Presently awaiting floor action in the Senate, S. 53, the Justice Assistance Act of 1983, would provide much-needed matching funds for State and local law enforcement agencies to alleviate jail overcrowding, improve assistance to crime victims, combat arson, reform sentencing practices, and increase the conviction rate of repeat or violent offenders. Also, Senator LEAHY has introduced an amendment to create a special research program for rural jurisdictions. Local county governments, spending $6 billion a year on crime, deserve our support in providing the capital needed to launch new programs to combat crime.

The House has been criticized by President Reagan and the Republican leadership of the Senate for not caring about the safety or our streets, but it is the Republican-controlled Senate that is sitting on a bill that will do just that. It is my hope that they will heed their own advice and move quickly to pass this legislation.

I was interested, Mr. Speaker, in a previous speaker who called this particular bill a "boondoggle." I understand that this particular bill is the No. 1 priority of the National District Attorney's Association. I would not think that they would think it was a boondoggle.

I also understand that that particular gentleman from Pennsylvania voted for the bill and got added to the bill a major section dealing with senior citizens. I wonder if that part is also a boondoggle or just his rhetoric.

PERMISSION FOR SUBCOMMITTEE ON CRIME OF THE COMMITTEE ON THE JUDICIARY TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. HUGHES. Mr. Speaker, I ask unanimous consent that the Subcommittee on Crime of the Committee on the Judiciary be permitted to sit tomorrow, August 1, 1984, during the 5-minute rule.

I have cleared this with the minority. We are taking up two major anti-crime bills tommorrow.

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

There was no objection.

IN THE MATTER OF REPRESENTATIVE GEORGE V. HANSEN OF IDAHO

Mr. STOKES. Mr. Speaker, by direction of the Committee on Standards of Official Conduct, I sent to the desk a privileged resolution (H. Res. 558) to accompany House Report 98-891 in the matter of Representative GEORGE V. HANSEN, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 558

Resolved, That the House of Representatives adopt the report by the Committee on Standards of Official Conduct dated July 19, 1984, in the matter of Representative George V. Hansen of Idaho.

CALL OF THE HOUSE

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

A call of the House was ordered.

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

[Roll No. 329]

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
AuCoin
Barnard
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Burton (IN)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Darden
Daschle
Daub
Davis
de la Garza
Dellums
DeWine
Dickinson
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frenzel
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hammerschmidt
Hance
Hansen (UT)
Harkin
Hawkins
Hayes
Hefner
Heftel
Hertel
Hiler
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kindness
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Leath
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Livingston
Loeffler
Long (LA)
Long (MD)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McNulty
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Molinari
Mollohan
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Ottinger
Oxley
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Paul
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Quillen
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rogers
Roth
Roukema
Rowland
Roybal
Rudd
Russo
Sabo
Sawyer
Schaefer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Sharp
Shaw
Shelby
Shumway
Sikorski
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Denny
Smith, Robert
Snowe
Snyder
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stenholm
Stokes
Stratton
Stump
Sundquist
Swift
Synar
Tauke
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whitten
Wilson
Winn
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)
Young (MO)
Zschau

□ 1300

The SPEAKER. On this rollcall, 370 Members have recorded their presence by electronic device, a quorum.

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

IN THE MATTER OF REPRESENTATIVE GEORGE V. HANSEN OF IDAHO

Mr. STOKES. Mr. Speaker, I ask unanimous consent that the debate on this resolution be extended to 1 hour and 20 minutes, to be equally divided between myself and the gentleman from Idaho [Mr. HANSEN].

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

Mr. CONABLE. Reserving the right to object, Mr. Speaker, my understanding is that this is an effort to offer Mr. HANSEN the additional time that would equate his defense with the total amount to be used by both sides of the Committee on Standards of Official Conduct; is that correct?

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

Mr. CONABLE. I yield to the gentleman from Ohio.

Mr. STOKES. I thank the gentleman for yielding.

Yes; under ordinary debate this matter would be consumed in 1 hour. We would reserve 20 minutes for this side, yield 20 minutes to the gentleman from South Carolina [Mr. SPENCE], the ranking minority member, and 20 minutes to the gentleman from Idaho [Mr. HANSEN].

The gentleman from Idaho has requested that he be given an additional 20 minutes. This is to respond to his request and give him the additional 20 minutes that he has requested.

Mr. CONABLE. I thank the distinguished chairman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Ohio [Mr. STOKES]?

There was no objection.

The SPEAKER. Under the unanimous-consent request, the gentleman from Ohio [Mr. STOKES] will be recognized for 40 minutes and the gentleman from Idaho [Mr. HANSEN] will be recognized for 40 minutes.

The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, for the purposes of debate only, I yield 20 minutes to the gentleman from South Carolina [Mr. SPENCE] pending which I yield myself such time as I may consume.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, in order to preserve the integrity and the accuracy of these proceedings, I ask unanimous consent that all Members may have 5 legislative days within which to extend their remarks on this subject, but this unanimous-consent request does not apply to revisions of remarks to be delivered in the House today.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair would like to state that unanimous consent has been obtained for Members to extend their remarks on this matter. It is essential that the CONGRESSIONAL RECORD contain as true and accurate a record of the proceedings as possible. All insertions and extensions not delivered in debate will appear at the end of the proceedings with a bullet symbol. The Chair trusts that Members will, in revising remarks they actually delivered in debate on this subject, confine their revisions to those which are necessary to correct grammatical errors and consistent with the permission obtained by the gentleman from Ohio [Mr. STOKES] to refrain from making any changes in the substance of debate.

The Chair also wishes to remind Members of the restrictions imposed by clause 1, rule XIV, and by the precedents relating to references to Members in debate. These restrictions indicate that Members should refrain from using language which is personally abusive. While a wide range of discussion relating to conduct of the Member in question will be permitted, it is the duty of the Chair to maintain proper decorum in debate. It is the intention of the Chair to enforce the rules.

Mr. STOKES. Mr. Speaker, it is always difficult to bring a disciplinary matter relating to one's colleague or colleagues to the floor of the House. I do not relish it, the Members of this committee, on both sides of the aisle, do not relish it, but under these circumstances our committee has no other alternative.

The matter which we bring to you today had its origin on April 7, 1983, when Representative GEORGE V. HANSEN was indicted by a Federal grand jury in Washington, DC. The indictment charged him with four counts of willfully and knowingly filing a false statement as part of his financial disclosure forms required under the Ethics in Government Act. The indictment charged that Congessman HANSEN failed to disclose or claim an exemption for four transactions—a $50,000 loan from a Dallas bank used to pay off a soybean commodities loss, the pay-off of that loan by Nelson Bunker Hunt, who had guaranteed the loan earlier, a $87,000 silver commodities profit arranged by Bunker Hunt, and $135,000 in unsecured loans made to Congressman HANSEN by three Virginia businessmen.

□ 1310

On April 2, 1984, after a 10-day trial, the Federal jury unanimously found Mr. HANSEN guilty as charged on all four counts. On June 15, 1984, Mr. HANSEN was sentenced to 5 to 15 months on each count to run concurrently plus $10,000 fine on each count for a $40,000 fine.

The conviction of Mr. HANSEN triggered committee rule 14 of the rules of the Committee on Standards of Official Conduct. Under committee rule 14, a conviction necessitates the committee initiating a preliminary inquiry in order to determine whether the evidence of the conviction also constitutes violations of House rules over which the committee has jurisdiction. The committee advised Mr. HANSEN of the initiation of the automatic preliminary inquiry. Special independent counsel was appointed to assist the committee. These attorneys, along with the committee staff, reviewed the entire 1,800-page transcript of the trial, all of the pretrial and postverdict motions and all of the trial exhibits. The preliminary inquiry has now lasted some 4 months.

Pursuant to committee rule and practice, Mr. HANSEN was invited to address the committee concerning the first aspect of the inquiry. On May 17, 1984, both Congressman HANSEN and his attorney addressed the committee.

Following this testimony and additional submissions by Mr. HANSEN, special counsel prepared their report upon completion of the preliminary inquiry. This report contains a full discussion of the evidence in the case and a conclusion that Mr. HANSEN violated a number of rules concerning conduct. Let me briefly summarize the evidence:

Mr. HANSEN's difficulties began when he sought to raise funds for personal and political debts through a direct mail solicitation scheme. Pursuant to this scheme, Mr. HANSEN wrote to the then House Select Committee on Ethics and asked whether the direct mail campaign he contemplated was proper. The committee responded that it was not. Still intent on pursuing such a campaign, Mr. HANSEN worked out a plan to circumvent the committee's ruling. Since the committee had ruled that he could not raise money for his debt, he purportedly entered into a property settlement agreement with his wife, transferred his debt to her, and then allowed her to engage in the direct mail effort for what now had become her debts.

As part of the same effort to raise funds, Mr. HANSEN approached Nelson Bunker Hunt at a social affair and actually asked him for money. Mr. Hunt said that it "might be suspicious" if he gave the Congressman funds directly, so Mr. HANSEN suggested that he could help him by helping his wife. Hunt did help Mrs. Hansen by passing on advice about commodities transactions. First, he arranged for a series of transactions in soybeans which resulted in a $30,000 loss to the Hansens. Once he learned of the loss, Mr. Hunt then arranged and guaranteed a loan for Mrs. Hansen of $50,000 from his bank in Dallas. The difference between the loss and the loan was spent by Mr. HANSEN. Interest on the loan was not paid, and eventually the loan was extended. Finally, the bank turned to Mr. Hunt for payment, and he paid what by then had become a $62,000 loan. To this day, Mr. HANSEN and his wife have not paid back the loan.

Sometime after the soybean transaction, Mr. Hunt arranged for a silver commodities transaction which this time resulted in a profit of $87,000 to the Hansens. While Mr. Hunt opened the account in the name of Mrs. Hansen, Congressman HANSEN arranged for the receipt of the silver profit, and then spent all of it himself.

Then in 1981, Mr. HANSEN, this time in his own name, without his wife being involved, arranged for three separate loans totaling $135,000 from three Virginia businessmen. At the same time that he asked for and received unsecured loans from these men, the men were involved in a plan to develop a hydrogen-powered automobile. During this same period, they asked Mr. HANSEN to help them in their effort by arranging and attending meetings with Defense Department officials to discuss the automobile. In fact, the day the first loan funds were deposited in Mr. HANSEN's account, he took these men to a meeting he had arranged with the Secretary of the Army at the Pentagon.

None of these transactions—not the Dallas loan, the Bunker Hunt loan payback, the $87,000 ready-made silver profit, or the $135,000 were reported on Mr. HANSEN's financial disclosure forms for the appropriate years. He did not mention them at all. He did not check the appropriate box to indicate that there were transactions of his spouse for which he was claiming the appropriate exemption. He left the transactions off his forms and made no disclosure whatsoever.

Mr. HANSEN did not take the stand at his trial. He presented his explanation through other witnesses. His defense at trial and before the committee was that he did not have to report the $50,000 Dallas loan, the $62,000 Bunker Hunt pay back, or the $87,0(silver profit, because they were his wife's transactions. He said he was not asserting the spousal exemption referred to on the disclosure form but that he was relying instead on section 102(a)(2) of the law. That section states that no report is required "with respect to a spouse living separate and apart from the reporting individual with the intention of terminating the marriage * * *" Mr. HANSEN stated that he was not living separate and apart from his wife and that he was not contemplating divorce. He said that the exemption applied to him in any event because of the property settlement agreement he and his wife arranged.

The evidence does not support Mr. HANSEN's assertion that the transactions involved were his wife's. It was Mr. HANSEN who had first approached Bunker Hunt, he had communications with the Dallas bank about the $50,000 loan, he spent the funds borrowed, and he arranged for the delivery and spent all of the $87,000 silver profit. In addition, even if Mr. HANSEN could liken a property settlement agreement to the exemption for living separate from his wife—something I hasten to add is not proper and not a supportable reading of the law—he and his wife did not maintain financially separate lives. He has intimately involved in her transactions. In addition, they maintained numerous joint bank accounts in which the proceeds from these transactions were deposited. They filed joint tax returns in which he received the direct benefit of her transactions. They owned and financed their automobiles and houses together. In short, other than declaring themselves separate, they took no actions to evidence this arrangement.

To support his view that he did not have to report what he claimed where his wife's transactions, Mr. HANSEN stated that he sought advice from his personal attorney in Idaho. This attorney, however, stated that he did not know the specifics about the $50,000 loan, the $87,000 silver profit, and other transactions when he rendered his advice. In addition, the attorney also stated that he told Mr. HANSEN to keep the Ethics Committee totally advised, something which the Congressman did not do. Because the attorney did not know important, relevant factors and because Mr. HANSEN did not follow all of the attorney's advice, this reliance on counsel did not constitute a valid defense at trial and cannot excuse his conduct in this forum.

With respect to the $135,000 in unreported loans, Mr. HANSEN did not assert any claim of spousal exemption. Instead, he stated that he had borrowed the money to establish a taxpayers reform organization. His theory was that, since he did not borrow the money for a personal purpose, he did not have to report the transaction.

Again, even assuming the validity of this stretched interpretation of the law, the evidence at trial did not support his claim. The Virginia men did not know about the taxpayer organization. Instead, they remembered that Mr. HANSEN had told them that the money would be used to promote Mr. HANSEN's book. In addition, the prosecution showed additional loans and transactions by Mr. HANSEN which suggest that he did not spend all of the funds borrowed on the organization. Finally and most importantly, there simply is no support for Mr. HANSEN's claim that he did not have to report the loans because the funds were to be directed elsewhere. If his theory was right, very few transactions would be reportable because Members could serve as conduits for various entities and get around the clear intent of the law.

□ 1320

Mr. HANSEN stated that he confirmed his interpretation regarding the $135,000 with his staff attorney. He did not go to his Idaho attorney on this one. The staff attorney, however, admitted that, when he gave Mr. HANSEN the answer he had requested, he did not know about the Dallas loan, the silver profit, the nature of actions Mr. HANSEN took on behalf of the Virginians or other important facts. Again, this withholding of information by Mr. HANSEN to his attorney undercuts the advice he allegedly was given.

Mr. Speaker, the committee studied these facts and carefully looked into the transactions involved, and concluded that Mr. HANSEN's omissions were not inadvertent. The nature of the transactions were such that Mr. HANSEN had good reason not to want them to become public. Remember that Mr. HANSEN reported nothing about the existence of these debts and profits. He did not claim the spousal exemption. This failure to make any reference whatsoever supports the view that he simply did not want these transactions known. Moreover, even if Mr. HANSEN's theory about the transactions being his wife's was believed, this theory would not explain why he failed to report the $135,000 Virginia loans, which were transactions in which his wife was not involved.

On the basis of the evidence at the trial, as reviewed by the committee, the committee adopted a resolution finding that Mr. HANSEN's conduct violated four rules of the House—rule 44 on financial disclosure; rule 43, clause 7, for undertaking his direct mail campaign despite the committee's opinion; rule 43, clause 4, for accepting gifts from persons with interest in legislation; rule 43, clause 1, for failing to reflect creditably on the House, and the code of ethics for Government service for accepting things of value under circumstances which easily could be construed as being improperly given or received.

After the adoption of this resolution, Mr. HANSEN and his counsel were given another opportunity to address the committee during the second phase of the inquiry. Again, Mr. HANSEN and his attorney testified and made submissions. Following this session and the advice of special counsel, the committee voted to recommend to the House reprimand. This report, then, is what is before you today. I urge the adoption of the resolution and I reserve the balance of my time.

The SPEAKER. The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

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

Mr. Speaker, the House today considers the recommendation of the Committee on Standards of Official Conduct to reprimand Representative GEORGE V. HANSEN of Idaho. Although I have served on the committee for a long time, since 1971, I have never come to enjoy or relish the difficult tasks assigned to us. I do not anticipate that I ever will. It is never easy, and often painful, to sit in judgment on one's peers, particularly in a collegial body where we come to know and work with those we are called upon to discipline.

But the Constitution gives us that responsibility and the public, and our constituents, expect that we will perform it dutifully and fairly. We must, and we do, perform that task without partisanship—the committee is the only standing committee to which an equal number of Members are assigned from each political party—and we have faithfully discharged our responsibility by adhering to those immutable principles of the House's self-disciplinary function, as I have set forth on other occasions; and they are:

That we set all passions aside;

That we examine all the facts;

That we study the precedents of the House;

That we review all pertinent law;

That we place justice above politics;

That we be fair but firm;

That we preserve the dignity of the House;

That we set no precedent that will not stand the test of time; and

That any recommended punishment be just, appropriate, and effective.

We, along with our special counsel, have done that in this case and the committee has determined that the failure of the gentleman from Idaho to disclose his, and his wife's financial dealings, as required by House rules violated standards of conduct applicable to all Members of this body.

Our actions were automatically triggered by committee rule 14 which requires that, upon conviction of a crime for which a term of imprisonment of 1 year may be imposed, the committee shall conduct a preliminary inquiry and proceed accordingly under its rules. This your committee has done.

It has also rendered its judgment that reprimand is the appropriate sanction in this case. I believe that we have properly interpreted the precedents in making this recommendation.

I realize, Mr. Speaker, and perhaps it is inevitable, that our actions will not please every Member of this body. Some will say that our recommendation is too harsh and some will say that we have not acted forcefully enough. Just let me say that we have agonized over this matter from all sides, from every viewpoint. I firmly believe that we have considered all the questions which have arisen, or may arise, in your minds or which may be brought up during debate on this resolution. Our recommendation is a bipartisan, consensus product of our deliberations.

No one regrets more than I the need to bring this matter before the House. As I have noted, we take no pleasure in carrying out our responsibilities under the Constitution but we have no other choice. Not only must we discipline ourselves, Mr. Speaker, more importantly, we have to assure the people of this Nation that we are capable of policing our own house.

The matter before us today is not restricted to the case of an individual. In reality it affects every Member of this body because it reflects on the integrity of our system of government. If the people of America lose faith in us and our willingness to deal with unpleasant situations, they will also lose faith in our ability to govern.

Mr. Speaker, we of your committee have struggled for several months with the issues in this case. We have considered, and considered thoroughly, the relevant rules of the House, Representative HANSEN's defenses to his failure to abide by those rules and the punishment which is appropriate. I am convinced that we have reached a correct, and just result, and I urge our members to support the committee's resolution.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The Chair now recognizes the gentleman from Idaho [Mr. HANSEN]. The gentleman is entitled to 40 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I yield myself such time as I may consume.

□ 1330

Mr. Speaker, with all due respect to the gentlemen who sit on the Committee on Standards of Official Conduct, I realize that it is not pleasant for them, and I can assure them it is not pleasant for me. When they talk about the size of the RECORD, the size of the RECORD is like "War and Peace"; about 2,000 pages in one book and about 500 pages in the other, and I am not sure the reading is any better.

The array that we have in here suggests a little bit of what I have been going through in running a gauntlet. On this side, you see the minority and you see the special counsel, who is not necessarily reflective of majority views. On this side you see the majority, and you see special counsel, which is not necessarily reflective of minority views. This has been the case all the way through, what has been going on. It may be six and six, as my colleague from South Carolina said, but that is not the way it necessarily lines up when you talk about the staff you deal with.

I am not saying that anyone would intentionally reflect their prejudices and their biases, but I can say that they have come through loud and clear.

I think it is very important for you to know that I hardly recognize myself from what the chairman gave in his statement of facts, and I say so-called facts, in the well a moment ago. I do not know who prepared the statement, but I would have to take strong issue that any resemblance of these facts to the truth in most cases is purely coincidental.

I can tell you first that despite what was said in some of the trial record, that I did not initiate a conversation with Nelson Bunker Hunt for money, and I get tired of hearing the story. The thing that interests me is the way the special counsel has insisted on playing prosecutor, worse than the prosecutors that I had downtown. They bring all the trashing up, that is really, in many cases, irrelevant to the facts.

The facts are: Did I include these things on the record, not all of the rest of the exercise. I have freely admitted all along that I did not include them on the record for good cause. They say something about the fact that my wife should have been maybe in the process of divorcing me so that I could utilize the division of property arrangement that we had. That is a little bit like Washington, DC, in general; it seems like all they have to do is break up families, and it seems that you cannot make an arrangement between you otherwise.

I found that this was the case in the court; that it would have been all right if my wife and I had gotten divorced and then just cohabited, or something like this, but don't you try to stay together and work out your problems.

We were saddled with a debt, Mr. Speaker. We were saddled with a debt brought on by an encounter with an erstwhile colleague, Wayne Hays, years ago, and it was a pretty bloody political encounter and it cost a lot of money. I had the opposing party chairman in my State and district take my credit report improperly, and we fought for several years and ran up a huge debt. Then the Ethics Committee decided to shut the door on any kind of a way—it had been open before until GEORGE HANSEN walked in—on anyway to try to retrieve some kind of ability to pay for that debt.

Now, there are those who have run up large debts, and I remember a former colleague of ours, Hubert Humphrey, got into a serious debt problem and he finally settled out so many cents on the dollar. Well, some people have to do that or feel that is the way to go. I have tried to hang onto that debt and pay it honorably, and this is what I did end up with for trying to do it.

We did not make an arrangement to try to get around the rules of the House; we tried to make an arrangement to accommodate to the rules of the House, and we asked and we asked and we asked, and the record is replete with the askings that we made. It gets a little tiresome to have someone stand and say that GEORGE HANSEN never came and leveled with the committee because that is poppycock, and the paper trail is a mile long.

I think it is high time that some people recognize what is there. I

passed out a piece of paper around here today that lays out excerpts from letters, time and again through the period of time in question, 1978 particularly, when we were in the formative stages of rule XLIV, that lays out what the people involved were saying at the time, and time after time they say there is no reason to bring action; you acted in good faith.

The one thing the committee has actually—I do not know if it is intentionally or not—but refused to look at is what these three spouse situations are. There are three transactions that my wife took care of independently of me, absolutely independent, to the point of having a cosigner independently of me, at the time that we had a property settlement agreement that divided our property. To get up and say that that property settlement agreement has never been operative is absolute poppycock. There was nothing said that you could not have joint accounts and joint ownership after you had a property settlement agreement, and that is a contamination of what the whole case is about. It is a refusal to understand.

Under the spouse disposal situation, it is stated time and again that you can have this type of situation if you absolutely are totally separate, and these were separate transactions, nothing that I transferred to her. The document that they keep bringing up about this special draft advisory document, it kept talking about transfers. There were no transfers. We are talking about something else. We are talking about assignments, but that is not even the case on these three. We are talking about three transactions that were her's totally, first, last, and always, and it was not my business to disclose and the committee knew it and the committee has signed off on it time after time.

Now, if they went to the bother of having a draft advisory document in their files, why did they not send it? There was a letter that was covering it that did not go out either that says, "We will have a final document to you in 2 weeks." The document did not come. I challenge the committee to show me where the final document is if they sent it on a final basis. It did not come.

We were never advised that we could not do these things. We always had a green light. Once in a while it flashed on "caution." They contrived once to put up a red light. They put the special advisory together, and they thought they were blocking us and they found out they were talking up the wrong channel. It did not work and they put it in the file and they did not send it.

Our former Congressman friend, Charles Wiggins, has stated in affidavits and otherwise that there are reasons why it was not sent, and those reasons are commensurate with my case.

This business of talking about rule XLIV and rule XLIII and all the paragraphs and everything else, that is a bunch of baloney. That was a trashing-up operation as far as I am concerned, courtesy of the Justice Department, that the special counsel just did not weed out. They could not resist using it. It was thrown out, as the members of the committee know, and we got down to the one thing we are here for today and that is to talk about rule XLIV and whether I disclosed on spouse disposal or not.

Let me tell you this much: that I am not the only one that has the problem and I am not the only one that should be standing here, because there are a number of people in this body and throughout the Government who are filing ethics reports that ought to be filing differently if I am supposed to be standing here, or they ought to be here with me. One of them is the counsel to the President of the United States, who had the same problem, a spouse disclosure problem, where it was admitted that he apparently forgot. The Attorney General of the United States. I was not spouse disclosure, but the Attorney General, the boss of the prosecutors, he had a $50,000 severance pay when he came into Government. He did not put it on his ethics report. They called him in and counseled him. He put it down. Everything was hunky-dory from there on. Everybody else gets to amend but old Lonesome George gets to pay the price and I am getting darned tired of it.

I am no different than a lot of the rest of you. All I am is the precedent for some of you, and if I were you, I would be very, very careful about how you vote today.

We have a colleague here that has taken a lot of abuse in the press in the last few days. She is now a Vice Presidential designate or candidate for the other party. I am not here to call any wrath down on anyone. I would not do that. I have gone through enough hell myself without calling it on somebody else. But if you do something like this to GEORGE HANSEN today, are you going to call her in tomorrow? Are you going to call the wrath down on Mr. Meese? Are you going to call the wrath down on the others who omitted spouse disclosure on their forms? What are we going to do about having some kind of uniformity in ethics around here, or are we going to do it in a selective way?

Talk about selectivity, you ought to see how the Justice Department pulled their little game. They build a law just for our benefit. They build a law. When you passed the ethics law in here, it was done. The only reason it was passed, as you all know, was for one reason, and that was because they finally reached a compromise that it should be civil penalties only, as much as $5,000 for not filing, or for filing improperly, not criminal.

□ 1340

The Justice Department, for my benefit, after they could not find a bribery that somebody alleged in a blackmail letter that I turned in, the Justice Department comes along and decides that they will piggyback the false statement to a Government-officer law on the law that we set up for ethics. They piggybacked a criminal provision onto a civil law.

Now, do you know what they have done in this foolishness? They have set it up so that if you file and make a mistake, you might go to jail, but if you do not file, all you have to do is maybe pay a fine. That is absolute foolishness, but that is what has been done.

Are we going to tolerate these people making law for the Congress of the United States? That is what is happening. Or are we going to stiffen our backbone and say that policing our business is our business, as the Constitution says, that when you sit in judgment of another Member on his fitness to sit, that is our prerogative, not the prerogative of the people with the badge downtown? Are we going to assert our prerogatives? I think that is the question.

I had a prepared text, and I am going to use it for a moment because I do not think I have duplicated, and I think it is very important that you know the background, that you know the other side of the story.

Mr. Speaker, in April 1981, I brought to the Associate Attorney General an anonymous blackmail letter that charged Nelson Bunker Hunt with having bribed me. I demanded an immediate and vigorous investigation. I took it to them. I gave them the information. I had somebody that told me "The Justice Department couldn't find a zipper in a button factory," and I believe it because I even went to the press to get them to do their job, I disclosed to the Justice Department, and I disclosed to the press, and I disclosed to your committee, I say to the chairman, what I was doing. And I do not stand here in the well and have anyone tell me that I have not disclosed, and even overdisclosed to make my point.

Over the following 2 years, prosecutors from the Justice Department and the FBI investigated me and Mr. Hunt from top to bottom. They found no evidence of any bribe. There was no bribe. They did find a blackmailer, and they also found he had stolen $220,000 apparently from his employer in bucketing and used the Federal Reserve wire transfer system to move that money out of the country. He used the

mails in fraud. He had something like 40 felonies. They let him off with a misdemeanor blackmail and a suspended fine and a suspended 75 hours of social work—and I say, "Now, isn't that nice?"—and they came after me for not filing a Government form correctly.

Now, where are the priorities? they did find a blackmailer, and they let him go without a prison sentence, with only a slap on the wrist.

In April 1983 they made me the first person to be accused criminally of having willfully filed false reports under the Ethics in Government Act of 1978. There are several thousand Federal official employees who have filed these forms since 1979, but no one else, other than after I had done it—and we shamed them a little bit, so the Justice Department went out and hit a Federal judge in Nevada, who has also been charged with bribery and income tax evasion, and he is the first one outside of myself who was ever accused of such a violation.

I took no bribe. My wife and I reported and paid our income tax on the profit that I am alleged to have omitted from my EIGA form. I told the House committee, both before EIGA was passed and reportedly after it became law that I would not be reporting assets and liabilities of my wife's EIGA on my forms. I consulted respected lawyers and sought their legal advice on how to treat my wife's assets and liabilities on the EIGA forms. Those lawyers have been publicly identified and have testified about the advice they gave me.

Now, what I am running into in the House Ethics Committee is a committee in 1978 that said I was doing right, the old Select Committee on Ethics, and the new committee in 1984, this Committee on Standards that has been ongoing simultaneously and outlived it, that tells me that I am not doing it right. It is like going to the Internal Revenue Service and getting two agents to try to tell you how to fill out your tax forms; neither one agrees, and you are in trouble. That is the way it has been going for most citizens of this country.

And yet I find myself before you today trying to defend myself against a recommendation that I be reprimanded. Reprimanded for what? The Committee on Standards says that it believes, from the trial record from the Federal court, that I violated House Rule 44 because I deliberately did not report on the EIGA forms in 1979 and in 1981 a $50,000 loan my wife had received and in 1980 a $87,000 profit she made on a silver commodities transaction. I can tell you, if you net those out, there was not very much money netted because there were losses and profits, and they netted out to not a whole lot of money.

I can demonstrate for you quickly from the House's own records that the charge that I intended to violate the House disclosure rules is simply untrue. I omitted my wife's liabilities and transactions because I believed, from what my lawyers told me and from what the House Select Committee on Ethics said and did, that such omission was legal and proper.

Before I turn to that, let me call your attention to an enormous injustice that I have suffered. It is an unfairness that exists, regardless of whether you believe I left my wife's debts off the ethics form. You are all aware of the public figures who have recently been accused in the media of having omitted debts or assets of their spouses, and I recounted those a moment ago. Some time ago the incumbent Attorney General was found to have left off his form a substantial asset he received on leaving private practice. After the public disclosure, he filed an amended form.

Recently a counselor to the President who has been nominated as the next Attorney General was publicly reported to have omitted a loan made to his wife and stock purchased with that money. After the disclosure, he filed a corrected EIGA form.

And very lately a nominee for Vice President of the United States, who is a Member of this very body, was found to have left off her EIGA form all the assets and liabilities of her spouse. She has now said that she will be filing a full disclosure form within 1 month.

Now, was a similar opportunity given to me? Absolutely not. I was not told by the prosecutors that if I filled out a corrected form, the case against me would be closed. Instead, I was notified that I was charged with a crime, and as a result of that criminal conviction, which is now on appeal, the Committee on Standards has asked that you reprimand me.

I advised the Standards Committee, in answer to one member's questions, that even though I believed that I had acted lawfully in not reporting my wife's debts and silver profit, I would be prepared today to amend my forms for the years 1979 through 1982 to reflect the items which I am charged with having omitted.

That has never been a problem. As many of you know or remember about how you fill out your forms, it would have been one more bank on the list of banks that you had. Who worried about filling that out? Who was trying to hide it? Not me, Mr. Chairman. Not me, Mr. Speaker. But I was not given the same courtesy that was given to Mr. William French Smith, Mr. Edwin Meese, or Ms. GERALDINE FERRARO.

This entire experience is unreal to me. It is fitting in a sense that it takes place in 1984, the year that has come to have a literary significance because of George Orwell's great novel, as a year when injustice can triumph, when some people can become more equal than others, and when government by Big Brother takes over the world. Or to use another literary comparison, what has happened to me is Kafkaesque.

I view myself as a victim of a horrendously unfair process. I was the victim of a totally false and defamatory blackmail effort, and instead of being treated as a victim, I became the accused, and I can tell you some real horror stories about the way your Justice Department acts in that type of situation.

The important facts in this entire episode are totally beyond dispute. It is undisputed that in 1977 and 1978, before the Ethics in Government Act was approved by the Congress, I notified the appropriate committees of this body in writing that my wife's liabilities would thereafter be treated independent of mine. That is way back. We told them in writing. Letters in the report of the Standards Committee, which appear on pages 203 to 206, 216 to 218, and 222 to 223 of the smaller volume, prove that the committee had substantial notice of what I was doing. And if you want to take somebody on, ask the committee where they were when they should have been telling me they did not like what I was doing.

It is undisputed that my wife and I signed and executed a property settlement agreement under Idaho law in September 1977 to carry out a legal separation of her assets and liabilities from mine. The agreement is in this same report volume, at pages 207 to 215.

It is undisputed that the property settlement agreement was not entered into to avoid a reporting obligation. It was devised and executed in 1977, 2 years before the Ethics Committee report was supposed to be filed, at a time when there was no reporting obligation. Its principal purpose was to enable my wife to solicit personal contributions to pay family debts which have been incurred because I had been the target of a political attack. And how do you get out of it when you happen to be the kind of a guy that is a lightning rod once in a while? You have to have a way to get it taken care of unless you are independently wealthy. Are we trying to make this a place for millionaires?

It is undisputed that I consulted with my attorney, John Rumft, a leading member of the bar in Boise, ID, in the spring of 1978 about the effect of the property agreement on my obligation to report my wife's liabilities under House Rule 44. Mr. Rumft testified at my trial. It is at page 1124 of the big volume of the Standards Committee report, that he told me that my wife's liabilities did not have to be re-

ported under rule 44. That was by advice of counsel.

□ 1350

That is my own distinct recollection of his advice. I did not report my wife's debts on the House form because I believed that I did not have to do so.

It is undisputed that the omission of my wife's debts in 1978 caused a big stir in the press in Idaho. How many of you know how much you get away with in the press? Not much as politicians. Because of those newspaper reports there was more detailed correspondence with the Select Committee on Ethics.

On May 9, 1978, I wrote to the chairman of the Committee on Ethics, with copies to the chairman, the ranking minority member of the Committee on Standards, and a copy to one of the holdover members of that committee, Mr. FRENZEL, drawing specific attention to our property settlement agreement, which was described in my letter. I said the following to both committees, and I quote:

> I am confident that my filing done carefully with the advice of legal counsel is completely in accord with the appropriate rules of the House and in accord with the course of action in which we have kept your office completely advised. At this time I respectfully request confirmation of the validity of my report.

And the committee took that as a request for a special advisory. It might be very interesting to you as an aside that the judge in the district court in refusing one of the post-trial motions said that you have the right to rely on counsel, but you also have to go to the committee and get a special advisory. That is the way you can really protect yourself.

Well, because the subpoena to get House documents and House people down to the court was quashed by the House, and I agree with that, the integrity of the House has to be preserved, but all those files that could have told what really went on did not go to the court and the judge then made a presumption that we had not gone to the committee, had not asked for a special advisory, and the record is replete with the fact that we did.

I asked once, I asked twice, there are all kinds of memos that show they were working on it, and finally the fact that it was put away and not sent.

Now, how much do you have to prove to prove that you are not acting maliciously? It is undisputed that no House committee ever formally disapproved of what I had done.

The special counsel to the Standards Committee found in the files a draft of a letter to me, and that draft never became a final opinion.

My lawyer, Mr. Runft, spoke to the committee staff on the telephone and his recollection is that he persuaded the committee staff that he was correct in his conclusion and my wife's debt did not have to be reported.

The ranking minority member of the Ethics Committee, Charles Wiggins of California has said the following in an affidavit given to the Standards Committee on page 462 of the report:

> It is my recollection that the Ethics Committee concluded that any failure by Congressman Hansen to report the genuinely separate liabilities of his wife was not a violation of the rules as they then existed.

How many times do you have to be told that you did not violate the rules and then have someone come along 6 years later and tell you you did and then you are in trouble?

It is preposterous.

Mr. Wiggins explained the probable reason why the draft letter was never sent, saying:

> It is possible that the draft Advisory Opinion was not finalized because the committee concluded that, given the imperfection of the Rule, the legal effect of the separation agreement under Idaho law as explained by Mr. Hansen's attorney removed the obligation to report Mrs. Hansen's separate liabilities on future disclosure reports as well.

It is undisputed that the delegates—that the debate, excuse me, on the Ethics in Government Act took place after this correspondence and that on September 20, 1978, the chairman of the Ethics Committee, former Judge Richardson Preyer, described the effect of the bill that ultimately became the Ethics in Government Act as follows, and I am talking about volume 124 of the CONGRESSIONAL RECORD page 30415 and it says:

> Title I would enact into statute the financial disclosure provisions of House Rule 44 with the several clarifying amendments and definitions consistent with the Select Committee's interpretation of the disclosure rule.

He went on to say, and here comes the important language which reflected my own understanding in 1978, and I quote:

> The bill makes no substantive changes in the reporting requirements under Rule 44.

So they moved it from rule 44 right into the ethics law under title I.

In other words, what had to be reported under rule 44—excuse me, before EIGA—became law and had to be reported after EIGA became law.

What did not have to be reported under rule 44 did not have to be reported under EIGA.

With this statement by the chairman of the Ethics Committee, was I not right in continuing to do in 1979, 1980, 1981, and 1982 exactly what I did with the committee's knowledge and acquiescence in 1978?

But more is undisputed. It is undisputed that after EIGA became law, I checked again with Mr. Runft about my reporting obligations. He testified what he told me in May 1979 before I filed my first EIGA form. Mr. Runft testified at my trial that among the materials he checked before giving the opinion or statements by Chairman Preyer as to the purpose of the act, the intent of the act, and that is in the report at page 1128.

He concluded that I was not obligated to report Mrs. Hansen's liabilities. He testified that he gave me that advice and even identified the pages of his datebook which showed when in May 1979, he did the research leading to that opinion.

It is undisputed, Mr. Speaker, that I double checked this legal opinion with Jim McKenna, who came on my staff in December 1978, and who has been a member of the bar for many years. He agreed with Mr. Runft's conclusion and he, too, testified about the advice he gave me that my wife's debts did not have to be reported, and his reasons.

Now the committee says that my attorney did not know anything, that I was holding back information from him, and that is the biggest bunch of poppycock I have ever heard, because my attorneys did all the negotiating. How could I have held anything back if they had to be the mouthpiece, if they had to do the talking? It is absolutely asinine for anybody to make such an assertion.

It is undisputed that every year since 1979, staff members of the Committee on Standards have talked with Mr. McKenna about the property settlement agreement. He has been back year after year. If they had thrown up a red light, how come they were calling him back every year wanting to talk about the way we were filing and not asking us to change? It is foolish. It is wrong.

It is undisputed that they have indicated their knowledge that because of the property settlement agreement and the legal advice concerning it I was not reporting Mrs. Hansen's assets or liabilities on my EIGA form. They knew all along, but who said anything, except, "Come and talk to us about it?"

The staff of the House committee has never claimed and cannot ever claim that it was misled in that regard at any time between 1979 and this date.

It knew all along that Mrs. Hansen's debts were not on my EIGA forms and it knew that my reason was the property settlement agreement and the advice I had received from my lawyer and also my reliance on previous decisions and previous counsel by the committee.

It is undisputed that notwithstanding this knowledge, I was never asked by the Committee on Standards to list my wife's assets or her liabilities. My forms for 1979, 1980, 1981, and 1982, were accepted. Not a single form was returned as incomplete or inaccurate and there are some letters—there is a letter from a committee counsel by

the name of Haltiwanger, who says that he went through the reports and found them to be complete on the surface, and he knew what we were doing.

So we have nothing but positive vibes on anything that we have done.

True, we have had some questions asked. True, there was a time or two when they were trying to build a stoplight, but it did not work.

My forms were never criticized until the Department of Justice won its criminal case against me.

It is also undisputed that I always told the truth about the nondisclosure. The FBI came on one of its many visits to my office in September 1981, and they asked me then, in 1981, more than 1½ years before my indictment, why I did not report my wife's silver profit on my Ethics in Government form.

Let me read to you what the FBI report says that I told the FBI at that time, and it is at page 177 of the Standards Committee report, and I quote:

> Hansen advised he had discussed this matter at length with his attorneys James McKenna and John Runft. A consensus was reached among them that because of the Division of Property which he and his wife had obtained in the State of Idaho at least one year prior to his wife's silver contract purchases, any transactions solely entered into by his wife are not subject to disclosure in the Financial Disclosure documents.

Now, what I told the FBI is what I tell you now and what my defense was at trial. I believe that in good faith on the basis of the advice of my lawyers and the acquiescence of the House committees that I did not have to report my wife's debts or assets.

Now, compare these undisputed facts with the other cases of omissions from EIGA forms that have been in the press lately. Did William French Smith have documented proof that he had asked an attorney's advice or disclosed the basis for nonreporting of an asset on an IEGA form? Never.

Has Edwin Meese ever identified public correspondence, has specified the grounds on which he omitted a transaction from his EIGA report? No, sir.

Has GERALDINE FERRARO named a staff member, counsel or other adviser on whom she relied in omitting her husband's assets and liabilities from her EIGA form? Far from it.

Has anyone come forward to take personal responsibility for that advice? Not a long shot.

Everything is cloaked in generality and anonymity.

I remind you, my colleagues, that all three of these are attorneys and I am not.

□ 1400

That is why I say to you that I cannot really believe I am standing before you here on this charge. I admit that I have done things as a Member of this body that calmer and more cautious Congressmen would not have done.

Some of you may have been critical of my trip to Tehran, which I hoped would help, or which I hoped would help our hostages psychologically and physically.

Some of you are probably critical of positions I have taken against the Occupational Safety and Health Administration, against the Internal Revenue Service, against other aspects of big Government. Some of you may not like my politics or may not like my style.

But what I ask from you today is not a Good Housekeeping Seal of Approval. I ask from you only what I would not hesitate to give to you if you stood here in the well: simple fairness, elemental decency, and modest respect for my good faith.

Consider what it is you are being asked to enforce. This is not a case involving basic morality. There are no dead bodies. There are no robbed banks or despoiled trust funds. There is not a case of drug abuse and sexual immorality or plunder from the public treasury. This is not an instance of sale of public office, or clandestine meetings and receipt of wads of $100 bills.

And I would like to deal with the one thing the chairman brought up about the Secretary of the Army and the cheap shot that the Justice Department threw. They went through that whole bribery thing with Nelson Bunker Hunt and they could not find a thing. So then they get into court and they want to trash you up a little bit and they say well, you took the loan from the guy at the same time you got him an appointment as a Secretary of the Army. Good night, how many of you in here think it is a big deal to get an appointment as a Secretary of the Army? Especially for someone who is an old school buddy of his and knows all about him. He could get his own appointment. It was a courtesy. It is absolutely preposterous and it is beneath the dignity of the Ethics Committee to even bring it up.

The question you are being asked to decide is whether to discipline a colleague because the Department of Justice has satisfied a D.C. jury, made up largely of present or former executive branch employees that he deliberately omitted several transactions from a reporting form required by a relatively new law.

There is much undisputed evidence that justifies giving that colleague the benefit of the doubt. Why not assume that his omission of these transactions was done in good faith? And I can assure you that it was, on the advice of counsel, and with the tacit approval of the responsible committees of this House.

I ask you to ask yourselves: Would you think it fair if you were reprimanded on this evidence? You have been required to fill out these forms. Assume that you had consulted a private lawyer at substantial expense, as I did. Assume that you had written to the House committees, as I did. Assume that you had concluded, as I reasonably did, and as Mr. Wiggins has acknowledged, that your reporting was at least technically acceptable to the committee. Assume that your staff aide had visited each year with the committee and discussed the reason for your decision not to include items on the forms.

Could you conceive of yourself in my position? Could you believe that you would be defending yourself against a charge that you had knowingly violated rule 44 or tried to mislead the House?

This is not a farfetched possibility. Three years ago the Department of Justice began an investigation of me. Tomorrow it may pick out your EIGA form and, believe me, there are 253—we have done a little research—who have enough aberrations in their forms that the bag happy man at the Justice Department might end up bringing you to the grand jury. In fact, there are enough you could have a quorum call at the grand jury.

You may call then on your lawyers who advised you and bring out the documents to prove you are being honest and you may still find yourself charged, convicted, and then subjected to the discipline right here in this Chamber.

Mr. Speaker, the bill on this bill is approaching $500,000. The judge's fine of $400,000 and the committee counsel's proposed fine of $10,000, that is all big money until you get up to $500,000.

I have had my penalties and I have done it right. And I have done it with advice, not just of my attorneys but the advice of counsel.

And there is one thing more important to me than anything else. It is my good name. And I do not appreciate the smirching of my name in these cheap shots because we did it right and the track record is inches high. If that is not enough, who is safe in this paperwork jungle that we live in, because each and every one of us signs forms every day, your tax forms or whatever, that some agent of the Government could arbitrarily take you to task over, and we had better put a stop to it before everyone in this country is a walking felon.

Now you can understand why I think this must be a terrible nightmare. If you reprimand me you may also harm yourselves. You make it possible for you to become the victim of a similar nightmare.

I strongly urge you to reject the recommendation of the committee and let us get back to fairness in ethics.

I reserve the balance of my time.

The SPEAKER. The gentleman from Idaho [Mr. HANSEN] has consumed 35 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

Mr. SPENCE. How much time do I have remaining, Mr. Speaker?

The SPEAKER. The gentleman has 15 minutes remaining.

Mr. SPENCE. Mr. Speaker, I yield 4 minutes, for the purposes of debate only, to the gentleman from Colorado [Mr. BROWN], 4 minutes.

Mr. BROWN of Colorado. Mr. Speaker, one of the questions that I think we face in this deliberation is whether or not GEORGE HANSEN, Congressman HANSEN, was required to file for Mrs. Hansen. He has indicated on his part a feeling that he may not have been required to file.

In the debate, much of the consideration of the committee revolved around the questions that he sent to the committee and the way they answered them and so on. One item, though, that I think perhaps has not been focused on is not whether or not he was required to file at that time but whether or not he did indeed follow up and file when it was clear beyond any doubt that the committee felt that was his responsibility. And that was the subject of the hearings that we had on June 20.

In the series of three pages of testimony which has been available to the Members, I tried to pin down whether or not Congressman HANSEN was willing to file at the present time, knowing that the committee felt that he should file and must file. In other words, knowing, clearing up any doubt about whether or not you have to file or not, are you then willing to come forth and file? That spreads over three pages. But let me just quote a portion of the question I asked in the testimony of Mr. HANSEN and his attorneys.

> I think the committee has done what it can to make it clear—that the transactions of Mrs. Hansen should be filed, or disclosed, I guess my question is will complete filings, will that information be filed? Are you willing to follow up and provide that filing as the committee has made clear is required?

That is on page 370. Later, on page 372, Congressman HANSEN responded this way:

> Mr. Brown, if you are asking specifically would I amend my forms because the committee feels that somehow there was a misunderstanding before and that we should do it, if I would amend my forms and put the loan to the Dallas bank and the other matters that are under litigation, put them on the forms, it has been so fully disclosed that it would be the easiest thing in the world for me to do, if that is what you are asking about.
>
> Mr. BROWN. That is precisely what I am talking about, and I am wondering if you will do that, and, if you will, when you will get those revised forms in?

In other words, we can debate whether or not there was confusion as to his responsibility to file Mrs. Hansen's information. But the committee in its deliberations, even at that late date, made it very clear. Even if there was a question before, there could not have been a question on June 20, and I think that position of the committee was fully understood.

Now, it has been raised on the floor, because I believe Congressman HANSEN just stated, referring to the question of his responsibility to file for Mrs. Hansen, that "We were never advised that we couldn't do these things."

In other words, he was not clear in his own mind, or his position is that he was not clear in his own mind that he was required to file for Mrs. Hansen. He has pointed out a series of examples of people who have filed forms and later found they needed to amend them, perhaps drawing an analogy between those folks who filed forms and had to amend them and himself.

The point I would like to make for the body is this: We are not dealing with a situation where a form has been filed and later amended. We are dealing with a situation where a form has been filed, where the committee has made clear that that filing is not adequate, and that even at this late date, 5 weeks after the conversation I just related in the formal testimony, even at this late date a correction or an amended form has not been filed.

In other words, the question we have to face is not whether or not there is a confusion about the filing requirement, but whether or not, indeed, the filing requirement is going to be complied with.

When you fail to take action under these circumstances it seems to me it leaves the House in the position of refusing to enforce the rules.

The SPEAKER. The time of the gentleman from Colorado [Mr. BROWN] has expired.

The gentleman from South Carolina [Mr. SPENCE] has 11 minutes remaining; the gentleman from Ohio [Mr. STOKES] has 5 minutes remaining; and the gentleman from Idaho [Mr. HANSEN] has 5 minutes remaining.

The Chair recognizes the gentleman from South Carolina [Mr. SPENCE].

□ 1410

The gentleman from Ohio [Mr. STOKES] has the right to close the debate. So the gentleman from South Carolina [Mr. SPENCE] has 11 minutes remaining and the gentleman from Idaho [Mr. HANSEN] has 5 minutes remaining.

Mr. SPENCE. First, Mr. Speaker, let me yield 4 minutes to the gentleman from Virginia [Mr. BLILEY] for purposes of debate only.

Mr. BLILEY. Mr. Speaker, as the chairman pointed out it is not easy to do what we have to do today, but because of this institution, we must do what we have to do. You have heard it stated that but for the grace of God there go you and I.

But I would like to point out for the record that this matter first came up in the press 2 years ago and the committee did not move until after a grand jury had come in and after a trial and then ony because section 14, rule 14 of our rules came into play.

We have heard it talked about, advice being sought and a division of property and it would make a lot of sense, this division of property, if that was indeed final, but following that the Hansens have maintained joint bank accounts, have owned property together.

Indeed, when the loan was taken out in Texas to repay the commodity loss on the soybean transaction of Mrs. Hansen, it was $50,000 while the loss was in the neighborhood of $35,000. The money went into a joint account and Mr. HANSEN spent some or all of the difference between the $35,000 and $50,000; certainly deriving some benefit from his wife's business.

Indeed, when the $85,000 sale and profit from the silver commodity transaction took place, that money also went into a joint account and again Mr. HANSEN spent some or all of that money, certainly gaining benefit from his wife's business transaction and triggering the provisions of the EIGA law and our reporting requirements.

The matter of the Virginia loans, the loans of $135,000 from three Virginia men, a substantial amount of money, when you consider at that time that was more than twice the salary, annual salary of a Congressman.

Nowhere was that reported. That was not his wife's business, it was not reported because he was a conduit for a committee that he was a part of to try to change the tax laws of this country.

That was never the intent when our law was enacted to require reporting; if it was, any one of us who wanted to engage in an action all we would have to do would be to set up a committee and act as a conduit and go and get loans. I do not think that was ever intended.

So I think in summation when you look at the evidence, the report is thick, but when you look at it all and you come down to the end of it, I think you must agree with the committee, as difficult and as painful as it is for all of us, but that we must uphold the committee's action and do what we have to today.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, your Committee on Standards of Official Conduct has indeed deliberated long hours, spent a great deal of staff time and investigation into the matter before us today.

We have reached our conclusion. Our committee, six Members from the minority side and six Members from the majority side have decided in a unanimous vote that there were violations of House financial disclosure reporting in this case.

The gentleman from Idaho has been before you and has spoken very eloquently and made some very bold assertions in his defense. And certainly we all respect his ability and his right to do that before you today. He mentioned that the committee, your committee had always given him a green light; once in a while it was a caution light as regards to what he had to report and what he did not have to report.

And then on another occasion, he did admit, he did admit that the committee tried to build stop lights in his way. I submit to you this afternoon that the committee did fully inform Congressman HANSEN of changes in reporting requirements and gave him the opportunity to respond and to report fully on his financial disclosures.

Congressman HANSEN has more than once asserted that he told the House Ethics Committee of his conduct and that we agreed. That assertion is not supportable. In 1977, Congressman HANSEN did engage in correspondence with the House Select Committee on Ethics about his direct mail fundraising campaign. Financial disclosure was not involved.

In 1978 in response to present inquiries and his attorneys' advice, Mr. HANSEN then mentioned financial disclosure in one of his letters. He did not describe the various commodity transactions or Dallas loans or his involvement with them. He merely asked whether his property settlement agreement allowed him to omit his wife's transactions from his form. He did not send the property settlement agreement on which he placed so much emphasis.

Letters and memoranda uncovered by the Standards Committee showed, contrary to Congressman HANSEN's implication that some response was sent to his general inquiry. That response was embodied in a draft opinion by Congressmen Preyer and Wiggins.

The SPEAKER. The time of the gentleman has expired.

Mr. RAHALL. May I have 1 additional minute?

Mr. Speaker, I urge adoption of the committee's report.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. PAUL] for purposes of debate only.

Mr. PAUL. Thank you, Mr. Speaker.

I have been in the Congress for 7 years and over these past 7 years I have taken the position that was in the minority quite frequently. One of the things that happens, though, a lot of times after I leave the Chamber is individuals will come up to me and they will admit quite frankly to me that that position is correct and that if they had the courage and the guts to vote a certain way, they would, but for political reasons they do something different.

I believe that there is a bit of hypocrisy that exists in this Congress, I believe we all recognize the demagoguery that goes on in this Congress and I think there is a bit of that going on with this episode as well. It is my understanding that 230 of the Members went and changed their forms.

Now that is a rather interesting figure. I would think if that bothers your conscience, you should at least vote "present."

I think there is something wrong if we can change our forms so easily because you can see the trouble that Mr. HANSEN has gotten into.

The Justice Department quite frankly, I believe in my own heart that they are victimizing Mr. HANSEN, they are victimizing him; they have made him a target, they are making him an example. I think that is sad. Whether I am right or wrong does not matter; I think it is sad that I believe it.

I actually really believe that I could be victimized by coming down here and standing up. I really believe that. That says something about our system. I cannot prove that, but the fact that I believe it means there is something wrong with the system. I am not going to vote to reprimand Mr. HANSEN. I think a lot of us should not vote either.

I think if you have the slightest doubt in your mind, if you one day want to not vote as a hypocrite, vote "present" or do something, but this is a "con" game as far as I am concerned.

I think Mr. HANSEN has given a credible and sincere attempt; he has given a credible argument, he has made a sincere attempt to put the records out; a lot more than I ever believed was going on from reading the newspapers.

I mean, there is a lot of record here. Quite frankly I cannot sort it all out. I do not know all the details and whether there has been a technical violation or not but quite frankly I think the spirit of the law and the spirit of the rule was not intended to do what we are doing here today. Thank you.

The SPEAKER. The gentleman from South Carolina [Mr. SPENCE] has 5 minutes left.

Mr. SPENCE. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. FRENZEL] for purposes of debate only.

□ 1420

Mr. FRENZEL. Mr. Speaker, I only want to speak to one tiny part of this report. The report does carry a copy of a letter from GEORGE HANSEN to me and indicates that I was a copy addressee on a number of other letters from him.

Therefore, the point I would like to make has relationship to the allegation that our colleague, GEORGE HANSEN, did not seek advice in good faith.

At the time I was serving on the House Administration Committee and on Congressman PRYOR's Select Committee on Ethics, which was drafting, and ultimately did draft the EIGA law.

GEORGE first came with respect to my position on the House Administration Committee wondering how he could liquidate a debt that he advised me was campaign related. We looked for ways that it could be done. Other Members of this House, some of them still with us, had applied campaign funds to liquidate relatively personal kinds of debts. That avenue was no longer open to him. We looked for ways that he might solicit money directly to replace that debt. We could not see how that could be done.

I counseled with him and with Mrs. Hansen often. There was much advice that I could not give. But in my judgment, at that time, GEORGE was forthcoming. He looked for an honest, decent way to discharge a debt which he felt very personally responsible for.

So, if any Member of this body believes that GEORGE was looking for a way to conceal things at that time, in my judgment, that is an erroneous decision.

Finally, Mr. Speaker, I would say that at that time I and other Republicans supported an amendment to remove spousal reporting from the EIGA law. It is aburd to think that our spouses are elected to Congress, that their affairs are necessarily intertwined with ours, and it is a bad feature of the law which ought to be removed.

However, as long as we have it in there, it ought to apply equally to everybody as Congressman HANSEN has indicated.

Members will have to follow their own best judgment, but certainly he sought advice in good faith.

Mr. WILSON. Mr. Speaker, I would move that the gentleman have an additional minute, if possible.

The SPEAKER. The gentleman from South Carolina [Mr. SPENCE] is entitled to the time, and he has 3 mintues remaining.

Mr. SPENCE. Mr. Speaker, my time is obligated.

Mr. HANSEN of Idaho. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. WILSON].

Mr. WILSON. Mr. Speaker, I would like to ask the previous speaker does he understand that after Mr. HANSEN came into formal difficulties that somewhere between 240 and 250 of our colleagues went down and altered their own report in order to reflect their spouses?

Mr. FRENZEL. I am sorry. I was not the speaker who made that reference and I have no knowledge of that.

I merely said, if the gentleman will continue to yield, that I believe that those who have checked that they do not have to report to their spouses should be judged by the same standards that we are talking about.

Mr. RAHALL. If the gentleman from Texas would yield on this question, many of those corrections or many of those changes, it should be noted, are mere technical corrections in our financial disclosure. Dates that have been omitted, signatures that have been forgotten from the reports, other miscellaneous deletions that were inadvertently left out.

So I submit of that number you can find a great many that were merely technical violations.

Mr. WILSON. Was there a substantial number of Members, say, 20, or 30, or 40, or 50, who changed their reports in order to reflect their spouses?

Mr. RAHALL. I would suggest yes.

Mr. WILSON. Did the present candidate for Vice President have that same problem?

Mr. RAHALL. I might add, if I may respond to the gentleman's question, the present candidate for Vice President checked on her financial disclosure the appropriate box that said there was a spousal exemption of spousal relationships and interests and assets that were not reported because they met one of the exemptions allowed by law. She did check that box on her form.

Mr. WILSON. What about the Attorney General of the United States?

Mr. RAHALL. I have not seen his financial disclosure.

Mr. WILSON. How about the counselor to the President?

Mr. SPENCE. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. CONABLE] for purposes of debate only.

Mr. CONABLE. Mr. Speaker, the facts here, as have been said, are not seriously in dispute, only the interpretation of those facts.

Mr. HANSEN has not tried to hide the facts, but rather has insisted on his interpretation of the application of the law to those facts in his own characterization of his responsibilities and motives.

I acknowledge these facts are very confusing and I sympathize with my colleagues trying to understand them in a limited period of time. This is because of the unusual, even Byzantine nature of the Hansens' economic arrangements.

This resolution arises because a Federal criminal conviction has occurred. That conviction in turn resulted from months of investigation and a 10-day trial. Then and only then did the Committee on Standards of Official Conduct begin its investigation review. That inquiry has lasted some 4 months on its own.

Mr. HANSEN was represented at each stage by counsel and has had a number of occasions to present his case and explanation. That his explanation has not been agreed to by the committee does not mean that he has not had the safeguards that are guaranteed in our system.

Mr. HANSEN's is the only case before us today. Consequently, any reference to our attempt to draw a parallel now to any other matter involving any other Member is both unfair to that Member and to the House.

Until such time that proceedings have occurred and facts are known, it is premature and I believe inappropriate to discuss or analogize to any other situation.

I hope my colleagues will take these remarks into consideration in determining what their obligations are as Members of the House, just as the Ethics Committee has agonized, as has been said, at some length before bringing this resolution before the House.

Mr. HANSEN of Idaho. Mr. Speaker, I will briefly address a couple of the things that were brought up and I appreciate this opportunity.

The gentleman from Colorado mentioned something about not moving ahead to do something about those forms. He does not seem to care too much about the fact that by doing that I might put myself in some kind of a legal noose because we contend that we are right and we are in court trying to prove that. I think that it is not right to put yourself in a catch-22 situation.

I did answer the gentleman during that day. I said after we get our litigation out of the way I will do it because right now if we do some of these things it could complicate our problem in winning our case in court. I feel we are going to win that case in court, but I do not think it is fair for the committee or anyone else to jeopardize us in court with the request that we do a certain thing in a certain timeframe. That is exactly the way we answered it. It is good intent, but you have to be reasonable about it.

The second thing is when you talk about the fact that we did not discuss the Virginia loans and a few things have been brought up there. There are a lot of Members in this body that are the president or the chairman of a lot of cause organizations around and as such you end up with most of them in debt and you libel, do you list them on your ethics reports?

□ 1430

I doubt that you do.

And yet you could be sued and held liable for the debt of that organization, and you know it.

Well, I did it a little more upfront. I just went and borrowed some money. How many of you would put your borrowing authority on the line for $135,000 and take the risk, and pay the interest on it, and so forth, to get a cause off the ground? And my cause was to get the Internal Revenue Service in hand. I think it was worth it, and I do not think it is worth taking a penalty here for because I think the rest of you feel the same way.

The next thing is that I think it is important for some of you to keep saying that the Ethics Committee told me I could not do it. And I want you to know that is absolutely poppycock, and if you want to look at the records I can show you. But I would like to just bring this to your attention, that out of the documents, for instance, the so-called letter covering the advisory letter or the letter to Congressman Wiggins' office regarding it, one of the paragraphs says: "Finally, I want to emphasize that the language in the fourth paragraph"—and this is on the special advisory—"on page 3 would provide Congressman HANSEN with a response to any critics, both in the media and potential political opponents, concerning this subject, as well as provide Mr. HANSEN with a basis for asserting that he has acted properly throughout this entire matter."

Now, that is the attitude of the committee at that time, whatever the attitude of the committee is at this time. It is more the attitude of my colleague, Mr. FRENZEL.

Another one, the last major paragraph in the draft document says: "Please be assured that we are of the opinion that the treatment you have received in the press concerning this subject is unwarranted, and that we are convinced any failure on your part"—it says "any failure"; it did not say I did, it just says "any failure—" to list required information under House rule XLIV was based on your good faith interpretation of that rule. Therefore, there would be no grounds for any possible action against you based on an assertion of willful falsification or failure to file required information."

And I stand on the committee record.

And I would like to close with this, Mr. Speaker: that your vote is safe with me today. I have proven my innocence that I have acted in good faith with committee guidance. I have pointed out the unfairness and the folly of premature action, when the judicial process is still ongoing. You can see what you do to somebody when you take action like this today. Would you want to come back a few months from now and undo it?

And I have warned you of the dangers to Congress of an institution and as individuals if we do not put a stop to the arbitrary criminalizing of financial reports never intended by the Congress in this act. And I think it is time for us to get on with the show.

May God bless you, my colleagues, with the vision and courage to stand up for yourselves, to stand up for a free Congress unfettered by the badges of the Justice Department who could quell any interest you might have in acting freely to represent your constituents and to stand up for the image of America as we all believe in it. I ask you to vote a resounding "no" to this resolution.

I thank you, Mr. Speaker.

The SPEAKER. The time of the gentleman from Idaho [Mr. HANSEN] has expired.

The gentleman from Ohio [Mr. STOKES] has 3 minutes remaining.

Mr. STOKES. Mr. Speaker, when the gentleman from Idaho began his statement today, he made some reference to the staff of the committee and its biases. I want to say to this House that never before have I know any staff or any committee staff in the Congress that is less biased than this particular committee. I would not stand for bias on the part of the staff, nor do I think any member of this committee who serves on it would stand for biases on their part. They have treated Mr. HANSEN the same way they have treated every Member of this Congress. They have tried to be fair and impartial.

The statement was made by the gentleman from Idaho that he never asked for any money. I refer to the record of the trial transcript, at page 137, where this took place. The person testifying was Mr. Nelson Bunker Hunt.

The question was:

Q. Did a relationship develop or did you have a conversation with Congressman Hansen?

A. Yes, I did.

Q. To the best of your recollection, what was the substance of that conversation?

A. Well, we talked about, you know, things in general, and then the Congressman said he would like to talk to me privately a minute, and he said that on his last election or two before, he had had terrible problems with the Hayes Committee, Congressman Hayes, Wayne Hayes, is that the fellow's name? He said that he had had to defend himself from these charges and that the legal bills had been extremely high and the cost of his defense had been extremely high and it put he and his family in substantial debt. He was trying to raise some money to cover those expenses.

Q. Did he directly ask you for some money?

A. Yes. He said he would like to get some contributions, that he had, and I don't remember the figure, $300,000 or $400,000 worth of legal bills that he would like to try to raise, and he said he was planning on sending out a fund raising letter but there was a problem there with some committee in Congress, whether they would approve it. I am not sure which committee it was.

Mr. HANSEN of Idado. Mr. Speaker, will the gentleman yield for a brief question?

Mr. STOKES. I only have 3 minutes, and I am trying to close.

On the separation agreement, that agreement has never been given to either Ethics Committee. It has never been filed in any public place or any court of law.

On the question of amendment, any Member of this House can amend his disclosure form at any time. There is no prohibition whatsoever against amending. But this is not an amendment case. This is a failure-to-disclose case.

Mr. BROWN said to you a little while ago he asked him at our committee hearing: "Will you file now?" And he said no, he would not file now.

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

Mr. STOKES. In just a moment, if I have time.

He made reference to two Ethics Committees in which one said "I could" and one said "I couldn't."

The fact is, the prior Ethics Committee said that he could not; this committee has said that he could not.

The first committee said it to him twice. And then he wrote back a third time, and they refused to answer. He took the refusal to be acquiesence in the fact that he could do it.

Last, let me just say this: The committee voted 10 to 0 finding that we had jurisdiction in this matter, it voted 11 to 1 for reprimand.

If there is any committee in the Congress that is difficult to serve on, it is this committee. None of us have a personal gripe against the gentleman from Idaho. All of us, I am sure, would rather not be here today making this presentation. We do it out of a respect for this House, an obligation to this House, and the only reason we brought this matter before you is because, after 22 months of our monitoring this and taking no action, 22 months and 2 days, finally it was triggered by rule XIV. That brings us here today. That is the sole reason that we bring this matter before you, and we urge the House to adopt the reprimand resolution.

Mr. HANSEN of Idaho. Mr. Speaker, is there any time remaining?

The SPEAKER. The time has expired.

Mr. MOLINARI. Mr. Speaker, we have had a debate that I think has been very serious, and I would like to request unanimous consent, Mr. Speaker, that the debate be extended for 9 minutes, divided 3 minutes on each side, so that I may have an opportunity to ask a couple of questions that I think are important.

The SPEAKER. The gentleman makes the request that there be an extension of time of 9 minutes, 3 minutes on each side.

Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER. The gentleman from Idaho [Mr. HANSEN] is entitled to 3 minutes; the gentleman from South Carolina [Mr. SPENCE] is entitled to 3 minutes; and the gentleman from Ohio [Mr. STOKES] is entitled to 3 minutes.

Which gentleman desires recognition?

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

Mr. SPENCE. Mr. Speaker, I thought he was going to have his own time of 3 minutes, but I will be happy to yield.

The SPEAKER. The gentleman from New York does not have 3 minutes. The gentleman from South Carolina has the 3 minutes.

Mr. SPENCE. Mr. Speaker, I yield myself such time as I may consume, and I am happy to yield to the gentleman from New York.

Mr. MOLINARI. I thank the gentleman for yielding.

I would like to ask the gentleman from Colorado [Mr. BROWN] if he would engage in a colloquy with me.

Mr. BROWN, you raised a question which I think was very important, so important that the chairman of the committee, in summing up, alluded to the very question that puzzled me and I think is very important to what we are going to do here today, and that is, you had asked, Mr. HANSEN, sometime in recent weeks, if he would agree to revise his filing so as to cover the amendments that, in your judgment, or the committee's judgment, should have been included originally. Did I understand that correctly?

Mr. BROWN of Colorado. That is correct.

Mr. MOLINARI. And his response was that he chose not to do so?

Mr. BROWN of Colorado. Well, his response—and I do not mean to speak for him—covers three pages in the testimony. But my understanding, the bottom line was that he chose not to do so.

Mr. MOLINARI. The question I have, then, is this: If he had in fact amended his return in response to your request, do I interpret that that

the committee would have not proceeded to seek a reprimand on the House floor here today?

Mr. BROWN of Colorado. I do not think that I can state that to the House. At the time that question was propounded was after his conviction, and it was after we had already made a finding in the committee that he was guilty of the charges. It was at a point we were considering the appropriateness of a reprimand or other possible punishment.

Mr. MOLINARI. That is precisely why I raised the question, Mr. BROWN, because it was after the conviction. And if the committee, and certainly the Member from Colorado, felt it was significant that after conviction that a filing to correct might have changed the circumstances here today, then I think we have a much different ball game, and I am certainly going to vote differently.

I thank the gentleman for yielding.

The SPEAKER. The gentleman from South Carolina [Mr. SPENCE] has 1 minute remaining.

Mr. SPENCE. Mr. Speaker, I yield the last 1 minute to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. I thank my colleague from New York for making his point. I might just share my perspective of that.

It seems to me in what this body does, we have to answer to ourselves whether we are going to abide a circumstance whether a Member refuses to make a complete filing after that has been pointed out to him as forcefully as the Committee on Standards can point it out, after it has been pointed out bringing this issue to the floor.

It seems to me that this body is in a situation, if they refuse to act at this point, of sanctioning a refusal to comply with that rule.

I would hope the body—for whatever reasons that it may be difficult I can understand—but I would hope that this body would not fail to insist that those rules be followed.

□ 1440

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

Mr. BROWN of Colorado. I yield to the gentleman from Ohio.

Mr. KINDNESS. I thank the gentleman for yielding.

Do I understand correctly that the gentleman from Colorado is making the point that even though an appeal would be pending in this criminal matter, a member of the committee, the gentleman from Colorado, would insist that the Member in question ought to change something that would affect his legal strategy?

That is totally unfair. Totally unfair.

The SPEAKER. The Chair recognizes the gentleman from Idaho [Mr. HANSEN] for 3 minutes.

Mr. HANSEN of Idaho. Mr. Speaker, I understand the frustration and concern of the chairman of the committee regarding Bunker Hunt, but I want you to know that Mr. Hunt apparently has a less than good memory, and he made a lot of statements in the court record that were not true. He made statements like he contributed to my campaign, and to my knowledge, he has never contributed to my campaign. He has contributed to the campaigns of other members of the Idaho delegation, but not to mine.

He made statements like Mrs. Hansen and I had visited his ranch. I have never been to his ranch; I would not even know where it is. Mr. Hunt and I are not that good of acquaintances, and I think that there are a lot of statements that were made under duress and unfortunate circumstances that people might be called upon to make a judgment on, and I can tell you forthrightly that Mr. Hunt and I—I never asked Mr. Hunt for money.

Mr. Hunt might be thinking about Mrs. Hansen or something else, but he was not talking about GEORGE HANSEN. So I just want to clear the record for the committee, because I never had the opportunity to get that kind of input in. I think also that this business about filing is absolutely ridiculous because nobody offered me an opportunity to file, like the Attorney General, before criminal sanctions were hanging on me or a conviction. Nobody offered me the opportunity to make a change like Mr. Meese, or like Mrs. FERRARO or anyone else. I got hit on the head first, and then they came back and said do you want to file. Well, that is just like the tombstone of Boot Hill where it says, "Hanged by Mistake, So Sorry."

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

Mr. HANSEN of Idaho. I yield to the gentleman.

Mr. LIVINGSTON. Was the gentleman ever presented with any allegations from the Ethics Committee to the effect that charges might be brought against him before the criminal charges were actually brought against him?

Mr. HANSEN of Idaho. Absolutely not. I have never had any such indication from the committee.

Mr. LIVINGSTON. Is it the gentleman's understanding that the criminal charges that were brought against him actually emanated out of his statements and his violations of House rules?

In other words, are the criminal charges exclusively oriented or derived from the gentleman's alleged violations of House rules?

Mr. HANSEN of Idaho. The reason we are here today, by the committee's own statement, is pursuant to the court record, a record which has nothing in it as far as the committee files to begin with. I do not know why they do not judge it on their own files.

Mr. LIVINGSTON. The gentleman may misunderstand me. Is there anything in the criminal charges that have been brought against the gentleman in Federal court that are derived from any source of material exclusive of a violation of these rules?

Mr. HANSEN of Idaho. No. No way.

Mr. LIVINGSTON. In other words, it is totally derived, the criminal prosecution, is totally derived from the gentleman's statements in accordance with House rules?

Mr. HANSEN of Idaho. On the four matters that I did not fill on my form, that is the total and substance of it.

Mr. LIVINGSTON. No charges were brought by this body before those criminal charges were lodged, and by the chairman's own statement, the only reason these charges were lodged was because the gentleman was found guilty in a criminal court of a violation of these rules?

Mr. HANSEN of Idaho. Precisely correct.

Mr. LIVINGSTON. That is all I have. Thank you.

● Mr. FRENZEL. Mr. Speaker, as one who became involved with our colleague GEORGE HANSEN early in this issue, I offer no advice to any Member. At the time, I served on the Select Committee on Ethics and on the House Administration Committee. I worked closely with the gentleman from Idaho and Mrs. Hansen as they sought to find a way to meet their financial obligations.

My judgment is that he did seek competent counsel and advice in good faith. Twice I counseled against suggestions that related to the House Administration Committee. I reviewed several suggestions which were made to various personnel of the Ethics Committee. I was not competent to give good advice on them.

However, once he had chosen the course of property separation, he did not, I believe, stick to it. What should have been a clear separation was not. Since it was not, I believe there was an obligation to make spousal disclosure under our EIGA law and our House rules.

Therefore I shall vote for a reprimand. It is the least of the penalties the House can mete out to one of its Members. It is an appropriate penalty for one who in good faith made an arrangement at the outer limit of the law, and then skated past the danger sign.

GEORGE, because of his style and philosophy is a sort of lightning rod. As I said earlier, sometimes he is hard to love, but he did his best to solve a difficult problem between pressures to

pay debts he honored and pressures of our ethics law and his own financial situation.

This reprimand says he did wrong, but it does not say that he is a bad Representative. He is not. He is passionate defender of a strictly constructed Constitution, who seems to satisfy the feelings of his constituents. I hope he will continue to do so.

As a past script, I must say again that I believe the spousal reporting requirements are anachromistic. I tried to remove them and was out voted by the Democrat majority on the old Ethics Committee. Our spouses are individuals, and they ought to make their own determinations as to whether they wish to disclose, or not.

However, as long as the law exists, it ought to be followed, not just by GEORGE HANSEN, but by all Members, and all bureaucrats to whom the law applies.

Mr. HANSEN is right. All those about whom doubt exists ought to be put through the same wringer Mr. HANSEN has gone through. So far, we are observing a double standard.●

Mr. STOKES. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. CONABLE

Mr. CONABLE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. CONABLE. Mr. Speaker, in its present form, I am.

The Clerk read as follows:

Mr. CONABLE moves to recommit the resolution, House Resolution 558, to the Committee on Standards of Official Conduct.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the Chair was in doubt.

RECORDED VOTE

Mr. STOKES. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 354, nays 52, answered "present" 6, not voting 21, as follows:

[Roll No. 330]

AYES—354

Addabbo
Albosta
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bartlett
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Brown (CO)
Broyhill
Bryant
Burton (CA)
Byron
Campbell
Carper
Carr
Chandler
Chappell
Chappie
Cheney
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Conte
Conyers
Cooper
Corcoran
Coughlin
Coyne
Crockett
D'Amours
Darden
Daschle
Daub
Davis
de la Garza
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Erlenborn
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frenzel
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gray
Green
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Hertel
Hightower
Holt
Horton
Howard
Hoyer
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kemp
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
Kramer
LaFalce
Lagomarsino
Lantos
Latta
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (CA)
Lewis (FL)
Lipinski
Loeffler
Long (LA)
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken
Lundine
Lungren
Mack
MacKay
Madigan
Markey
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCain
McCandless
McCloskey
McCurdy
McDade
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Michel
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Moore
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
O'Brien
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Roemer
Rose
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Schaefer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Simon
Sisisky
Skeen
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith, Robert
Snowe
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Thomas (CA)
Thomas (GA)
Torricelli
Traxler
Udall
Valentine
Vandergriff
Vento
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams (MT)
Williams (OH)
Winn
Wirth
Wise
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (MO)
Zschau

NOES—52

Anderson
Badham
Biaggi
Bilirakis
Burton (IN)
Carney
Coats
Coleman (MO)
Conable
Courter
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
DeWine
Dickinson
Dyson
Fish
Gregg
Hammerschmidt
Hansen (UT)
Hartnett
Hiler
Hillis
Hopkins
Hubbard
Hunter
Hyde
Kindness
Leath
Livingston
Long (MD)
Marlenee
McCollum
McEwen
Molinari
Moorhead
Patman
Paul
Quillen
Rogers
Rudd
Sawyer
Shumway
Smith, Denny
Stump
Taylor
Torres
Wilson
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—6

Akaka
Craig
Dymally
Heftel
Snyder
Vander Jagt

NOT VOTING—21

Ackerman
Alexander
Anthony
Bethune
Collins
Dellums
Derrick
Ferraro
Franklin
Gore
Gramm
Hansen (ID)
Leland
Lloyd
Marriott
Martin (NC)
Oakar
Rostenkowski
Savage
Solarz
Towns

□ 1500

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO SIT ON TOMORROW DURING THE 5-MINUTE RULE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be permitted to sit while the House is reading for amendment under the 5-minute rule on tomorrow, Wednesday, August 1, 1984.

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

There was no objection.

EXPRESSING THE SENSE OF THE HOUSE THAT IT DISAPPROVES THE APPOINTMENT OF ANNE M. BURFORD

Mr. D'AMOURS. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 555) expressing the sense of the House of Representatives that it disapproves the appointment of Anne M. Burford as Chairperson of the National Advisory Commit-

tee on Oceans and Atmosphere and that the President should withdraw her appointment to that position.

The Clerk read as follows:

H. RES. 555

Whereas, on July 2, 1984, President Reagan appointed Anne M. Burford to be the Chairperson of the National Advisory Committee on Oceans and Atmosphere;

Whereas for over a decade the National Advisory Committee on Oceans and Atmosphere has played an important role in shaping future environmental policy;

Whereas past board members and chairpersons have had considerable expertise in the marine and atmospheric sciences and have maintained a nonpartisan approach to environmental issues;

Whereas Anne M. Burford, as Administrator of the Environmental Protection Agency, abandoned the nonpartisan approach to the environment shaped by Republican and Democratic Administrations for two decades;

Whereas Anne M. Burford's controversial and flawed tenure as Administrator of the Environmental Protection Agency led to her resignation under fire on March 9, 1983; and

Whereas two committees of Congress are still conducting investigations of the Environmental Protection Agency during the period Anne M. Burford served as Administrator: Now, therefore, be it

Resolved, That the House of Representatives disapproves the appointment of Anne M. Burford as Chairperson of the National Advisory Committee on Oceans and Atmosphere and urges President Reagan to withdraw her appointment to that position.

The SPEAKER. Pursuant to the rule, a second is not required on this motion.

The gentleman from New Hampshire [Mr. D'AMOURS] will be recognized for 20 minutes and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Hampshire [Mr. D'AMOURS].

Mr. D'AMOURS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the appointment of Anne Burford to head the National Advisory Committee on Oceans and Atmosphere is absolutely preposterous. It is asking the fox to guard the henhouse. Over the weekend Mrs. Burford showed us all what she thinks of her new position. She calls NACOA a "joke" and a "nothingburger," whatever that is. Nothing I could say could more graphically demonstrate the contempt she has shown, and will continue to show again, for public service in general and for environmental protection in particular.

As I just said, Mr. Speaker, the appointment of Anne Burford to head NACOA is preposterous. We must not let this nomination stand without strong and continuing objection. NACOA is not a joke, and the Burford appointment is certainly no laughing matter.

I make this motion as chairman of the Subcommittee on Oceanography, and this is the subcommittee that created NACOA. This is the subcommittee that authorizes appropriations for NACOA's continuance.

In my capacity as chairman of the Subcommittee on Oceanography, I have worked personally with Anne Burford on questions involving ocean pollution. I have found her to be insensitive and unresponsive to the point where I think she is an antienvironmentalist. Given the nature and given the importance of this advisory panel, given its legislatively mandated qualifications for membership, given the legacy of the Burford Environmental Protection Agency, and given the demeaning and disparaging remarks Anne Burford made this weekend about the Agency she wants to head, I believe this appointment is totally unsupportable by anybody who believes in protecting the American environment.

Over the years NACOA has provided Congress and the administrations with an independent, a reasoned, and, most importantly, a bipartisan perspective on national oceans and atmospheric policy. The key to NACOA's effectiveness has been its bipartisanship, the bipartisanship of its analyses and the bipartisanship of its recommendations. In the eyes of those who have closely followed NACOA over the past several years, Dr. John Knauss, the current Chairman, has been a pivotal factor in its success. Dr. Knauss has been a pivotal factor in its success because he has been nonpartisan. He is an eminent scholar, and he has vast expertise in the field of oceanography. He has performed his duties in a professional and, as I indicated, a nonpartisan manner.

Now, contrast this with Mrs. Burford's 22-month tenure at the Environmental Protection Agency. It was marked by controversy, by ineptitude, and by scandal. She filled several high positions in EPA with representatives from the various industries they were supposed to impartially regulate. Many of her top appointees, including her General Counsel and Assistant Administrator for Solid Waste and Emergency Response, were forced to leave their posts under accusations of political manipulation, impropriety, and gross mismanagement.

As head of the Agency charged with carrying out the environmental laws enacted by Congress, Mrs. Burford abdicated this responsibility by seeking devastating reductions in EPA's budget. Many of the regulatory decisions that she made were so strongly opposed by the American public that she herself was forced to reverse them.

□ 1510

Such was the case with her attempt to increase the amount of lead content in gasoline. Her administration of the Superfund project program, it is common knowledge, was an utter disaster.

As a result of the reign of terror of Mrs. Burford at EPA, she left a demoralized and emasculated Agency. To their credit, many highly competent civil servants left the EPA rather than become a party to the ravishing of U.S. environmental policy; but worst of all, what Mrs. Burford did was to undermine the trust of the average American in the Agency charged with protecting his or her environment.

Now, I would call the attention of the Members to the fact that the NACOA enabling legislation is very specific about the necessary qualifications for membership on NACOA. Each member must be "eminently qualified by way of knowledge and expertise" in one or more oceanic or atmospheric fields of discipline.

Clearly, the appointment of Anne Burford is not consonant with this requirement. Quite frankly, this appointment under the circumstances is a slap in the face to the American people. Americans have demonstrated overwhelmingly time and again that they want a clean and healthful environment and they want their environmental policymakers to share these goals.

Mrs. Burford left the Environmental Protection Agency because she had lost public trust. Her performance as head of EPA provides absolutely no basis for confidence in her ability to fulfill the responsibilities of this important environmental policy position.

The appointment of Mrs. Burford to this crucial post is bad environmental policy.

I would call your attention to this fact. The House resolution merely sends a clear message to the administration that this House feels Anne Burford is absolutely unfit to chair the National Advisory Committee on Oceans and Atmosphere and that the appointment should be withdrawn.

Now, look, we are realists. We know we cannot force the President to cancel this appointment. We cannot force the President to ask Anne Burford to step down, but we certainly can and we are most respectfully and in a fully bipartisan way asking the President to arrange Mrs. Burford's departure from NACOA and do it in the interests of the American public's right to the best environmental protection we can provide them. That is all we are asking.

I urge the Members of the House to strongly, to overwhelmingly pass this legislation.

Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SCHEUER], the sponsor of the current resolution.

Mr. SCHEUER. Mr. Speaker, few of us in this House could have envisioned a situation that could bring Anne Bur-

ford back to the Government in a position of responsibility for anything remotely connected with the protection of our Nation's environment, let alone the chair of an important and prestigious Advisory Commission on the Oceans and Atmosphere.

Her tenure as Administrator of the Environmental Protection Agency was wracked by scandal, mismanagement, and inappropriate activity on a scale unprecedented in the 13 years of the Agency's existence.

I was saddened and disappointed last week to read two particular reactions to the widespread bipartisan criticism of the Burford appointment.

One was from President Reagan on Tuesday when he was asked about the overwhelming 74 to 19 vote against the Burford appointment by a Senate controlled by his own party.

The other was from Mrs. Burford herself in remarks on Friday when she termed this appointment as a "nothing," "a joke," as something beneath her.

Essentially, the President said the same thing in his press conference—to the American public, to Congress, liberals and conservatives, Republicans and Democrats, conservationists and environmentalists and every citizen who has helped maintain a bipartisan bottom line on environmental policies.

The appointment of Anne Burford to this important Commission clearly falls below that line.

The joke is on us.

Mrs. Burford's proponents, including the President, have once again enunciated that curious doctrine that the absence of criminal conviction is sufficient criteria by which to judge the quality of Government appointments.

Those who follow this line of thinking completely miss the point of what occurred last year at the Environmental Protection Agency.

Mrs. Burford's reign at EPA was marked by the use of "hit lists," Kafkaesque purges of respected scientists deemed "proenvironment" and the establishment of cozy relations between her top aides and the industrial polluters they were supposed to be regulating.

It is true that only Rita Lavelle, the pathetic, inept Director of the Hazardous Waste Cleanup Program, was actually convicted of committing a crime, but that begs the essential question.

It was not simply shouting and furor in Congress that forced out Mrs. Burford and nearly two dozen of her top EPA aides.

She and they were forced out because of the outrage of the American people at the near destruction of this Agency, and because her studied disregard for enforcing health and environment laws had become transparent, offensive, and unacceptable to millions upon millions of Americans.

Now it's quite true that Mrs. Burford was not accused of dumping toxic wastes at midnight by the side of the road.

But she was, by her own actions and the sworn testimony of others, shown to have attempted to circumvent the professionalism, bipartisanship, and respect for the law which has been the hallmark of the EPA through both Democratic and Republican administrations.

Was it a national hallucination that under Mrs. Burford's tender mercies the Environmental Protection Agency was abused, debased, degraded, and very nearly dismantled?

The fact is that it was necessary for the administration to reach back into history to tap William Ruckelshaus as EPA Administrator because of the national, bipartisan demand that Mrs. Burford's successor be a contrasting model of reasonableness, competence, integrity, skillful administration, and above all, a symbol of the Nation's commitment to the protection of our environment.

The SPEAKER pro tempore [Mr. PANETTA]. The time of the gentleman from New York [Mr. SCHEUER] has expired.

Mr. D'AMOURS. Mr. Speaker, I yield 1 additional minute to the gentleman from New York.

Mr. SCHEUER. Mr. Speaker, I urge my colleagues to support this resolution disapproving the selection of Mrs. Burford to chair the National Advisory Commission on Oceans and Atmosphere.

I ask my colleagues today to think of your constituents who will look at this vote as an indication of whether we see a key environmental protection—leadership role.

As a matter of life and death or a joke;

As an important bipartisan responsibility or a "nothingburger job";

As demanding the best and the brightest or as a dumping ground for the fuzzy ghost of past wrongdoing.

Mr. D'AMOURS. Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I get into my prepared presentation, I would like to bring to the attention of this side of the aisle that this resolution, House Resolution 555—sounds like something from Hawaii—that says that this is a bipartisan effort. I have not read the sponsors names off. I do not think it is important to do so. There is nothing bipartisan about this effort. This is a Democratic football brought to this floor for political reasons, and that is all it is.

□ 1520

Not only that, the resolution is fraught with I think frankly some dishonest statements. I will read it.

> Whereas Anne M. Burford, as Administrator of the Environmental Protection Agency, abandoned the nonpartisan approach to the environment shaped by Republican and Democratic administrations for two decades * * *.

That is absolutely ridiculous. We know that is ridiculous.

Then it says "Whereas Anne M. Burford's controversial and flawed tenure as Administrator * * *." Flawed? Flawed in some people's minds and in their minds only.

I think, Mr. Speaker, that this resolution is worth about this much.

Mr. Speaker, I rise in strong opposition, if you do not know this already, to this resolution. And in so doing I come here today to speak about the facts, the fairness, and the politics.

I ask my colleagues: Why are we taking time away from other important legislative business to consider this resolution that just lays on the floor? Is it to pass a law? No, it is not to pass a law. Is it to establish the facts? No, not to establish the facts. Is it to ensure fairness? No, there is no fairness in this resolution.

Is it to play partisan politics? I regret the answer to the question is yes, yes, yes, yes, to play partisan politics.

Let us examine each one of the arguments raised by the opponents to this appointment of Mrs. Burford. First by experience Mrs. Burford is qualified for this position. She graduated from the University of Colorado at the age of 19 after only 2 years. She went to finish law school and became a Fulbright scholar. She served 4 years in the Colorado State Legislature where she played a major role in that State's air quality law, which has one of the highest standards in the United States, much higher than some others that I can mention right now that have dumped many thousands of tons of sludge into the river adjacent to another State.

And as we all know, she had been the Administrator of the EPA where she was deeply involved in the issues regarding the ocean and the atmosphere. Thus I find it fascinating that Mrs. Burford's qualifications are being challenged.

Some may not agree with her positions on the issues but that disagreement does not make her unqualified. Does this body question only the qualifications of people with more conservative political views?

Second, some of you opponents state that this appointment could set important national environmental policy. NACOA is exactly what its name says it is, it is an advisory committee. No policy is put into effect by this group.

In NACOA Mrs. Burford will be 1 of 18 team members whose recommendations are established through a strict voting procedure. NACOA's recommendations are based on the consensus of those 18 members, many of whom are Carter holdovers, not the voice of one member.

My friends, as an advisory committee, NACOA should have a balance of political views. If we intend advisory committees to merely reflect the political views found in the Congress at any time, then why do we have an advisory committee in the first place?

Opponents say the President should bow to political opposition to this appointment. Under the law which created the committee, the appointment is exclusively within the power of the President. The House has reserved no role for itself in the appointment. Thus, this resolution reaches beyond our constitutional mandate.

If, under the NACOA authorizing law, approval of appointments by the House is not required and not authorized, then what are we doing here wasting time as this country is faced with crucial decisions, wasting the time with a resolution that means nothing other than for political reasons.

I suggest we are here today to give critics one more partisan shot at Mrs. Burford. My colleagues are making a great effort to bring up the worst allegations of last year's campaign to remove Mrs. Burford from the EPA, and I ask all those with a sense of fairness to separate allegations from the facts, to look at the issues before the House today, and to look at the complete record of Mrs. Burford.

There are two issues presented by that record: what was accomplished at EPA and what happened to the allegations of wrongdoing.

While Mrs. Burford was Administrator, EPA eliminated a backlog of 2,000 approvals needed for State implementation plans for air quality. EPA eliminated a backlog of court deadlines for best available control technology for water quality. They issued final rules for hazardous waste disposal in January 1983, began a comprehensive implementation of Superfund enforcement by identifying sites for cleanup, ranking the hazards, and began cleanup of all these toxic dumps.

Because of the complexity of the laws and the need to develop comprehensive standards for cleanup and enforcement, EPA under every administration has failed to meet the ambitious deadlines set by Congress. Let me remind my colleagues, we hear a great deal about toxic wastes and toxic dumps. Who created those dumps? They were not done in 2 years. They were not done in the last 3 years and going on 4 years of the Reagan administration. They were there with Jimmy Carter. They were there, yes, with even President Ford, and President Nixon, President Johnson, and President Kennedy, and all down the line.

This is the only Administrator that started cleaning up those dumps. But now it is a political buzzword that we must get rid of the toxic waste today, waive the magic wand and it will be gone. She is the one that started cleaning them us, and you are the one criticizing her activities.

Mr. SAM B. HALL, JR. Will the gentleman yield?

Mr. YOUNG of Alaska. I am glad to yield to the gentleman for one-half second.

Mr. SAM B. HALL, JR. We do not usually differ on matters of voting, I will say to the gentleman from Alaska, but I would like to ask the gentleman one question. This lady has made some pretty strong statements in the past few days that to me cannot be overlooked. Now, whether it is a political ploy on the part of the people on this side I do not know. Maybe it is. But do you not think that she has said too much with reference to the job that she has just been appointed to take over?

Mr. YOUNG of Alaska. I would like to ask the gentleman, I would say I do not condone what she said, but the resolution was filed before those words were ever spoken. What I am speaking of is the resolution as read is an injustice, that resolution is an injustice to the individual. It is not right for this body through public pressure prior to that statement to make allegations through the resolution introduced by the gentleman. They are allegations and the only official found by a court to have committed any wrongdoing was promptly fired by President Reagan and the gentleman referred to that.

In response to allegations, the Department of Justice completed months of investigation with a finding that there was no credible evidence to support the filing of an indictment.

Mrs. Burford was cited not by a grand jury or Federal prosecutor, but by this Congress. The Congress cited her for contempt for not obeying an order to turn over information. Mrs. Burford did not turn over this information because she supported a President who appointed her, a President who acted on the advice of the Justice Department—we have heard those words today—that a release of the documents sought by the Congress would jeopardize cases which were pending to enforce pollution control laws.

Mrs. Burford was caught in a constitutional clash between the President and the Congress. It was this dispute which became elevated into the contempt of Congress citation. It is this dispute which the House has already considered, debated, and acted on and, in fact, this body rescinded the contempt of Congress resolution last year with no publicity and no votes against it.

Mr. MARLENEE. Will the gentleman yield?

Mr. YOUNG of Alaska. I am glad to yield to the gentleman.

Mr. MARLENEE. There have been some comments already made in the discussion of this appointment that tend to indicate that policy will be set by this committee. Could the gentleman from Alaska, my colleague, give me the full name of the committee?

Mr. YOUNG of Alaska. It is NACOA, and I do not have the full name written down here, but I am sure I can find it.

Mr. MARLENEE. Is it not the National Advisory Committee on Oceans and Atmosphere?

Mr. YOUNG of Alaska. That is right.

Mr. MARLENEE. Why is it called an advisory committee?

Mr. YOUNG of Alaska. That is exactly what it does do, it is advisory and is a policy advising committee.

Mr. MARLENEE. Does any policy that is brought forth or any suggestion brought forth or any information that is put out by this committee, is any of it binding on the President?

Mr. YOUNG of Alaska. Absolutely not.

Mr. MARLENEE. And there are no statutes?

Mr. YOUNG of Alaska. Absolutely not.

Mr. MARLENEE. No regulation or laws are formulated by this strictly advisory committee? Has Anne Burford, let me ask my colleagues if he will yield further, has Anne Burford ever been convicted in any court of law of any wrongdoing stemming from the charges that have been laid by this Congress?

□ 1530

Mr. YOUNG of Alaska. None; and on top of that this Congress lifted this citation contempt, voted unanimously, no votes against it. This again, as I mentioned before, is nothing but a political football of 1984, trying to raise the specter that for some reason the Reagan administration is against the environment. Let us get to that issue.

The Reagan administration has done more for the environment, to protect it, to produce clean air, clean water, set more land aside, and improve the parks more than any other administration—more than any other administration.

All I hear on that side is chitter-chatter, talking about what they are going to do, and we had 4 years of that of doing nothing, nothing. Toxic waste dumps, the parks falling apart. Yes; we had preservation of lands, I ought to know; they preserved half of Alaska.

Mr. MARLENEE. Would the gentleman yield further for a question?

Mr. YOUNG of Alaska. Yes.

Mr. MARLENEE. Then, in essence, are you of the opinion that Anne resigned, resigned her Cabinet post to quiet the caballing that had arisen because they did not cater to the driven political whims of a few Congressmen whose appetite is whetted and whose political futures are fed on demagoguery and destroying those who are vulnerable?

Mr. YOUNG of Alaska. I cannot answer exactly why she resigned. All I know is that Secretary Watt and Administrator Burford were before the committees hour after hour answering questions that had no relevance to the jobs.

Let me continue with my presentation.

Mr. MARLENEE. If the gentleman would yield further for one further point, it seems that we have a lady who has resigned from one position as a Cabinet member and she now finds herself appointed to a committee that makes no policy that is binding on the Government or on the statutes, and yet we have people who are politically driven who are willing to kick this lady while she is down.

And if that is what they choose to do, I do not want any part of it. I do not apologize for her remark and do disagree with some of them and find some of them unfortunate. However, the partisan political drive to use a committee appointment to kick the lady while she is down is a sick approach to the type of deliberations that should be carried on by this body.

Mr. YOUNG of Alaska. I think that is a fair analogy. She was prosecuted, she was hounded, she was observed, she was looked upon, she was actually hounded out of office by the media and by those who do not respond, I believe, to good management. She did more under EPA for the environment than anyone on the other side has ever done.

Mr. MARLENEE. I thank the gentleman for yielding.

Mr. YOUNG of Alaska. Mr. Chairman, I would like to continue. Let us get to the politics in my main thrust of this whole argument, the sense of fairness and the politics.

Last year, when the Committee on Merchant Marine and Fisheries was prepared to reauthorize NACOA, there were many Members who expressed grave reservations about the value of NACOA and about the wisdom of reauthorizing that committee.

In fact this body, which is rushing to defend the role of NACOA, has not even taken the time to reauthorize the committee.

Yet today we find those very same people declaring this advisory committee of critical importance to the environment.

Most importantly, let us return to the question of fairness again—the question of fairness. Those who now oppose Mrs. Burford are saying that, "If you are a former high-ranking official, resign under accusations, and are then cleared of those accusations, you must be forever barred from appointment to a Government position." I ask my colleagues, is this fair under our system of justice?

Let me finish this appeal for fairness and explain why I am here.

I come here today to support the original American values of truth and fairness. I come here today to support the separation of powers as set forth in the Constitution and the right of the President to make his own appointment under the law. I come here more than that, because I strongly believe in the words, "liberty and justice," justice for all, men and women, young and old, people of all races, people of all political views and parties.

If we do not stand for those words, what do we stand for? If this body has used this for a political football prior to the NFL season and prior to the election of the President, and to prosecute one and to hound that person out of office as there was done when there was nothing ever done criminally by the EPA Administrator, Mrs. Burford.

If this body uses this resolution, uses this resolution knowing full well that it is not binding, if this body votes this resolution up then I would suspect respectfully that we are using the floor of the House, the Hall of the people, not for justice but for pure political reasons.

Mr. Speaker, this lady is qualified; yes, she is outspoken; yes, she may have made some statements of poor taste, but she is highly qualified. The President has the right to make that appointment. She has received that appointment. She was a good EPA director; she did start solving the problems of the environment that were left behind with Fritz and Grits. I would suggest respectfully, Mr. Speaker, that to vote this resolution up is an injustice to an individual.

If you stand for fairness and you stand for justice, you will vote this resolution down and let's let this body work on a legislative solution to the Nation's real problems, not use it for a football on artificial turf.

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

Mr. YOUNG of Alaska. I yield to the gentleman.

The SPEAKER pro tempore. The gentleman from Alaska [Mr. YOUNG] has consumed 16 minutes, and he has 4 minutes remaining.

The gentleman from New Hampshire [Mr. D'AMOURS] has 7 minutes remaining.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. FLORIO].

Mr. FLORIO. Mr. Speaker, this resolution (H. Res. 555) expresses the outrage of the House—and the American people—at the President's appointment of Anne Gorsuch Burford to chair the National Advisory Committee on Oceans and Atmosphere. It is hard to imagine an appointment that would be more arrogant or more disdainful of the public's desire for a clean and healthy environment.

The absurdity of this appointment is apparent when one considers the nature of this important environmental advisory panel and the legacy of the Burford EPA. Over the years, NACOA has provided Congress and the administration with an independent, reasoned perspective on national oceans and atmospheric policy. It has been largely nonpartisan in its analyses and recommendations with regard to the sensitive environmental issues under its purview.

In contrast, Ms. Burford's tenure at the Environmental Protection Agency was marked by incompetence, scandal, and an unconscionable disregard of public health and the environment. As head of the Agency charged with carrying out the environmental laws enacted by Congress, Ms. Burford abrogated her responsibility by seeking, and obtaining, devastating reductions in the EPA budget. In addition, many of EPA's top appointees, including the Agency's General Counsel and the Assistant Administrator for Solid Waste and Emergency Response, were forced to leave their posts following widespread revelations of impropriety, political manipulation, and gross mismanagement.

It should also be remembered that many of the regulatory decisions made by Ms. Burford, including decisions to allow liquid waste disposal in landfills and to allow increased levels of lead in gasoline, were so out of touch with the environmental convictions of the American people that she was forced to reverse them. The administration of the Superfund Program was, by all accounts, an unmitigated disaster. Ms. Burford left an emasculated and demoralized agency; and, unfortunately, the incalculable damage to the public trust caused by her 2-year reign symbolizes this administration's approach to implementing the Nation's environmental laws.

Mr. Speaker, the American people demand a clean and healthy environment, and they want their environmental policymakers to share these goals. Ms. Burford was forced to resign from the Environmental Protection Agency because she had lost the confi-

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dence of the American people. Her performance as head of the EPA provides no reasonable basis to believe she would be capable of impartially fulfilling the responsibilities of this important environmental policy position.

The appointment of Ms. Burford to this crucial post is not only bad environmental policy but an affront to the American people, who value the service of public servants whose integrity cannot be questioned. If this administration is truly committed to a safe and clean environment, the President will withdraw Ms. Burford's appointment. The appointment to this position should be someone who considers the Commission to be a worthy public institution and who considers this important public service to be an honor, rather than a joke.

Mr. Speaker, so that there will be no doubt that the allegations I have made regarding Ms. Burford are well founded, I have compiled a summary of some of the documented events which led to her resignation as EPA Administrator.

Mr. Speaker, I urge my colleagues to support this resolution and to send a clear signal to the administration that the American people will not tolerate public officials who hold the Nation's environmental laws in contempt.

Mr. Speaker, I would now like to just recite a mere summary of the Gorsuch-Burford record:

5/81 to 3/83—Deputy Administrator John Hernandez delayed for two years a cleanup of lead contamination from schoolyards and playgrounds in two Dallas neighborhoods near lead smelters. Depite the offer of the owner of one of the smelters to conduct a cleanup of the worst contaminated areas, Hernandez refused to allow cleanup and instead requested additional study.

6/30/81—EPA made available to the Dow Chemical Company a draft report on dioxin contamination of the Great Lakes area. Dow was provided the draft report in order to allow it to make revisions or other modifications.

7/81—In comparison to the last 6 months of the Carter Administration, there was an 84% reduction in the number of enforcement cases referred to the Department of Justice and a 48% reduction in the amount of civil penalties imposed by EPA.

12/11/81—Gorsuch met with representatives of the Thriftway Company, a small refiner with plants in New Mexico and Texas. The Thriftway representatives claimed that EPA regulations requiring lead reduction in gasoline were adversely affecting the company. Thriftway requested a waiver from the lead reduction requirements. Gorsuch explained that there was no procedure for such a waiver, but said that the regulations were to be modified and that "it did not make sense to enforce a regulation after changes had been proposed". Later, Gorsuch reassured the Thriftway officials that EPA would not prosecute if the company failed to comply with the regulations.

2/25/82—EPA suspended the 3-month old ban on the burial of drums containing liquid hazardous wastes in landfills. The suspension was intended to permit industry to continue its land disposal practice while EPA conducted negotiations with industry to weaken the ban. EPA gave no prior notice of the suspension and the public had no opportunity to object in advance. Due to a public outcry, the ban was reimposed four weeks later. This was a sufficient amount of time for Chemical Waste Management to bury 2,491 55-gallon drums of toxic waste in the Lowry Landfill outside Denver, Colorado. Chemical Waste Management at the time was a client of James W. Sanderson, a Denver attorney and EPA consultant nominated by Gorsuch to be EPA's third-ranking official.

4/82—Thornton Field, Special Assistant to Gursuch, in telephone conversations with defendant's attorneys, revealed the Justice Department's negotiating position concerning a Superfund enforcement case (United States v. General Disposal Co., Santa Fe Springs, California). Thornton's actions were without the knowledge or consent of the Department of Justice.

8/82—Gorsuch stated that she had delayed the allocation of Superfund money for the cleanup of the Stringfellow Acid Pits to damage the Senate campaign of then Democratic Governor Edmund G. (Jerry) Brown, Jr. The remark was made at a Republican luncheon aboard the yacht Sequoia.

9/82—Gorsuch traveled to Freehold Township, New Jersey, to announce approval of a Superfund project for the Burnt Fly Bog site with the Republican opponent of Representative James J. Howard, Chairman of the House Public Works and Transportation Committee. Another Superfund site, in New Jersey's First District, was the subject of a public ceremony attended by Rita Lavelle and the Republican opponent of Representative James J. Florio, the principal author of the Superfund law.

9/82—EPA lobbied heavily to prevent Senate consideration of the reauthorization of the Resource Conservation and Recovery Act (RCRA). EPA's principal objection was a provision in the House-passed bill (H.R. 6307) which lowered the regulatory exemption for "small generators" of hazardous wastes from 1,000 kg/month (1 metric ton) to 100 kg/month (220 pounds).

10/82—EPA awarded a $7.7 million contract for the cleanup of a large hazardous waste dump in Seymour, Indiana to Chemical Waste Management, Inc., a client of James W. Sanderson, an EPA consultant. EPA awarded the contract even though agency inspectors visiting the firm's Lowry Landfill in Denver a month earlier had discovered two sets of log books, one of which concealed a major chemical leak. EPA officials, including Sanderson, knew of the inspection report which charged Chemical Waste Management with violation of federal law for failure to stop the leak and inform agency inspectors of its existence, but made no effort to stop the award of the Seymour contract.

11/1/82—Gorsuch announced that EPA was about to begin testing a new chemical treatment process for decontaminating dioxin-laden soil at numerous sites in Missouri. An EPA press release stated that previous laboratory tests of the process on soil contaminated with PCB's had caused elimination of the PCB's within days of application. It was later revealed that EPA officials knew at the time of the release that the "new process" had not achieved and was not capable of achieving the results claimed. EPA's announcement was made to aid the election prospects of Senator John C. Danforth (R-Missouri) who, at the time, was engaged in a tough re-election campaign.

1/83—As Administrator, Gorsuch sought dramatic reductions in EPA's operating budget, including drastic cuts in EPA staff levels. By FY 1984, the agency's operating budget was down 30 percent from FY 1981 *not* counting for inflation. Research funds were cut 42 percent during the same period.

1/83—Hugh Kauffman, a hazardous waste investigator at EPA, was subjected to a month-long surveillance by the Inspector General's Office of EPA. The surveillance included tapping of Kauffman's private phone, trailing him for two days and background checks. At one point, he was photographed entering and leaving a Pennsylvania hotel room with a woman. The woman was his wife.

2/6/83—An aide to Rita Lavelle, former head of EPA's hazardous waste program, removed Lavelle's appointment calendars and two boxes of documents from her office. The calendars were requested in December 1982 by a House Science and Technology Subcommittee. Committee aides has telephoned EPA several weeks before the removal incident and were assured that the calendars would be mailed as soon as a memo could be prepared explaining "multiple erasures".

2/11/83—Stanley M. Brand, general counsel to the Clerk of the House, revealed that EPA officials had shredded subpoenaed documents concerning the nation's worst hazardous waste sites. Although the shredded documents were duplicates, Brand explained that the subpoena requested duplicates as well as originals because the former may contain notations essential to the House probe of alleged conflict of interest in the agency's hazardous waste program.

2/18/83—EPA Inspector General Matthew Novick concluded that EPA's bookkeeping of Superfund was so inept that the agency could not account for nearly 30 percent of the funds spent in 1982. The IG report also found that agency officials dipped into the fund to pay for expenses unrelated to Superfund, including travel costs, employee fringe benefits, and telephone calls.

3/1/83—Louis J. Cordia, the deputy director of EPA's Office of Federal Activities and a Burford appointee, maintained a list of possible EPA science advisors. The list designated certain persons as "unacceptable to this Administration", and others as desirable because of their conservative views. The list was in Cordia's handwriting and was on the stationery of the Heritage Foundation. Dr. Nicholas Ashford, as associate professor at Massachusetts Institute of Technology who was classified as a "menace" on the so-called hit list, was not reappointed to EPA's Science Advisory Board when his term expired in the summer of 1982. More than 50 other scientists were similarly removed from their positions on the Board due to characterizations such as "poison . . . he is a Nader on toxics", "snail darter type", "reported to be both liberal and environmental", "plays up to activists", etc.

3/18/83—Karl E. Bremer, chief of the Toxic Substance Office at EPA's Chicago branch, told a House subcommittee that John A. Todhunter, assistant administrator in charge of controlling toxic substances, ordered him to delete part of a study which indicated a possible link between exposure to dioxin and miscarriages. Bremer said the order was relayed by Todhunter's assistant, Marilyn C. Bracken, who indicated that "her job was on the line".

3/18/83—Representative James H. Scheuer released documents which revealed that Gorsuch had sent the White House detailed political assessments of proposed agency actions each week throughout the 1982 election campaign. The "issue alerts" projected how various interest groups, such as lead manufacturers and environmentalists, would react to EPA proposals ranging from relaxing restrictions on lead levels in gasoline to exempting chemicals from agency review.

4/8/83—William Hedeman and Gene Lucero, both top officials in EPA's Superfund program, testified before the Senate Environmental and Public Works Committee that Gorsuch deliberately slowed the Superfund program down and limited the expenditure of funds. Both Hedeman and Lucero said they believed that Burford wanted to show that the program was not needed and should be discontinued.

6/27/83—As of this date, 7 of 21 EPA political appointees, forced out of their jobs as a result of the recent agency scandal, were employed by the Administration as "temporary government consultants", each at a rate of more than $240 a day.

Mr. D'AMOURS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, first of all I want to commend my very good friend, the gentleman from Alaska, who is doing the best he can obviously to struggle with the summer heat in Washington. Nobody from Alaska ought to be subjected to that under any circumstances.

I would also like to say that I really think we ought to amend this resolution to include a vote of thanks to the President for reminding us that while the James Watts of the world may come and go, and the Anne Burfords may come and go and come again, that the spirit in which they were appointed and the program and the philosophy which they embodied lives on in the person of the President of the United States who appointed them.

And in so reminding the Nation in such a dramatic fashion, I think he has done us an immense service. I would remind my dear friend from Alaska that his colleagues in the Senate, in the Republican Party, voted almost 2 to 1 for this resolution.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. STUDDS. Certainly, I yield to the gentleman.

Mr. YOUNG of Alaska. I never take responsibility for the other body. This is the body of the people.

Mr. STUDDS. Once again the gentleman and I are in complete agreement.

Mr. Speaker, I rise in support of the resolution for two reasons. First, Mrs. Burford has no background in oceans policy, no demonstrated administrative skills, and quite obviously, given her statements of this past weekend, no real interest in the job.

Second, I believe that approval of this resolution can be an important first step toward the development of a constructive response on the part of Congress to the Burford appointment, and to the future of the National Advisory Committee on the Oceans and Atmosphere [NACOA].

NACOA was intended to serve as a reservoir of scientific, environmental, economic and legal expertise to the Congress with respect to oceans issues. Its record in the 7 years it has existed has been spotty, but the relevance and the professionalism of the work it has done has steadily increased. President Reagan has taken advantage of the statutory flexibility of the law that created NACOA to eliminate from that panel a fair representation of individuals with a background in the environment, but the overall credentials of the individuals appointed have been high.

The need for a panel like NACOA is great. There are a number of oceans issues that either cannot be—or have not been—adequately addressed through the normal give and take of Congress and the executive branch, or through the established interplay of local, State and Federal government. The Reagan administrations failure to sign the Law of the Sea Treaty has complicated the legal position of the United States internationally, and created extremely complex questions concerning freedom of navigation, maritime pollution, marine scientific research, and the proper limits of the territorial sea. Budgetary, environmental, and jurisdictional disputes continue to hinder oceans policymakers with respect to issues such as offshore oil production, coastal zone management, and the ocean disposal of hazardous waste.

The controversy surrounding the peculiar appointment of Mrs. Burford should prompt Congress to act positively not only on this resolution—which is, after all, nonbinding and essentially negative in nature—but also on a bill currently the subject of negotiations between the House and Senate to create a new NACOA, with new Members and a more meaningful mandate, less subject to the control of the executive branch. Only in this way will Congress and the country salvage something meaningful and constructive from the misguided actions of the President.

The SPEAKER pro tempore. The gentleman from New Hampshire [Mr. D'AMOURS] has 4 minutes remaining and the gentleman from Alaska [Mr. YOUNG] has 4 minutes remaining.

Mr. YOUNG of Alaska. Mr. Speaker, that is what you call teamwork.

Mr. Speaker, I yield 3 minutes to the gentleman from New York.

□ 1540

Mr. MOLINARI. Mr. Speaker, I think perhaps the tone of this debate has been a little too serious and I would like to try to put it in the context in which I view it.

Was this appointment dumb? Oh, yes, it was dumb.

Was it insensitive? Sure it was insensitive. For God's sakes, if anybody thought about it the appointment came on the eve of the week that the President was going around the country to talk about serious environmental matters.

Obviously, this appointment fell between the cracks some place.

Having said that, what are we dealing with? We are dealing with an advisory committee that has been in effect since 1971, that consists of 18 members that represent industry, academics, et cetera. They are all Presidential appointees. They are 3-year terms. They can be renewed once.

Essentially NACOA makes recommendations to the National Oceanic and Atmospheric Administration [NOAA] in their annual reports. Now, no major regulatory milestones have resulted from such recommendations since 1971. They meet approximately quarterly and on special occasions.

So, a mistake was made, admittedly. Very bad timing and I do not seek to justify the remarks that Mrs. Burford has made over the weekend. I took the floor and debated in favor of the criminal contempt resolution of Mrs. Burford, but I think, in fact, I agree with the gentleman from Alaska that the statement has been made that in fact this was a nothingburger. I think today we are getting political relish for that nothing-burger.

Mr. D'AMOURS. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. OTTINGER].

Mr. OTTINGER. Mr. Speaker, I congratulate the gentleman from New Hampshire for introducing this resolution and strongly support it.

The appointment of Anne Burford to an environmental position after her appalling record as head of EPA is as about as inappropriate as you can get. It is an abomination. Clearly, Congress should express its disapproval.

This appointment is clearly intended as a payoff for what the President sees to be a political debt. Mrs. Burford was a loyal team player. She took the flak for the President in his attempts to totally dismantle the Environmental Protection Agency and the laws it was supposed to administer. She was clearly given this appointment to reward her for that loyalty.

Unfortunately, this resolution, while I strongly support it, probably comes too late to present Anne Burford from taking office, since Mrs. Burford, I understand, is due to be sworn in tomorrow. But the resolution constitutes a well deserved and much needed statement of our disapproval.

To take effective action to get rid of this anomoly constituted by the ap-

pointment, I have introduced H.R. 6015 to abolish the committee. It would be replaced by the National Oceanic and Atmospheric Commission already authorized by this House and presently pending before the Senate. The committee would be insulated from this kind of totally inappropriate appointment.

I hope that the House will overwhelmingly pass this resolution and then take action to overturn this just incredible action that has been taken by the President of the United States.

Mr. D'AMOURS. Mr. Speaker, I would like to reserve the balance of my time to close debate.

Mr. YOUNG of Alaska. Mr. Speaker, I, again, would like to restate that this resolution is a nothing resolution. The gentleman from New York has said it very clearly. Mrs. Burford will be sworn in tomorrow.

It is apparent that it is a political football. The allegations are untrue. She is outspoken and the words that she has said are sometimes very unfortunate. But we are trying an old case, last year's case.

Remember, I want to restate, this body rescinded its contempt citation unanimously.

Second, I want to set the record straight. The Reagan administration has worked with the environment. I serve on the committee. It is not a preservationist group, it is a conservationist-oriented administration. We no longer can be dependent upon the Mideast oil, the foreign minerals. We no longer can answer to the will and the whim of those political hotspots.

This administration, under Jim Watt, Under Secretary Clark and President Reagan, and yes, Anne Burford, have done the job. True, they do not follow the ilk of Secretary Andrus, the ilk of Dr. Cutler, Cynthia Wilson—who lied to my committee—they are of different persuasion. But rather, they are true conservationists and managers of the land and the environment, not preservationists and elitists.

Mr. D'AMOURS. Mr. Speaker, I would like to make a few observations. First off, I would like to compliment my very good friend from Alaska [Mr. YOUNG], who serves on the Committee on Merchant Maine and Fisheries with me, for having completely avoided injecting partisan politics into his approach to this resolution.

Mr. Speaker, this is not a partisan political issue. The people in the gentleman's district, the Republicans, as well as the Democrats and the Independents, who care about the environment feel strongly on this issue and he knows that.

The Senate last week voted in a fully bipartisan way to object to the appointment of Anne Burford. As a matter of fact, the Republicans voted overwhelmingly against her appointment. I think the vote was 33 to 19, in the Republican Party 19 supporting her. This truly is bipartisan.

I would like to call attention to one other matter, Mr. Speaker. This debate has proceeded almost as though the Congress has no business interjecting itself into this question. NACOA reports not only to the President, Mr. Speaker, but also to us in the Congress. We certainly have a great interest in addressing this question.

One thing that has to be answered, but has not been. It has been avoided on the floor. Anne Burford, this weekend, in Colorado, called the committee which she has been named to head, a joke. I wonder if the gentleman from Alaska would want people working for him who thought he was a joke, who thought his office was a joke, who thought his constituents were a joke.

Mr. Speaker, all we are doing in a fully bipartisan way, as I believe the vote will demonstrate, is asking the President: We are saying, Mr. President, please listen to us, please make a change here. We are not criticizing you, we are just asking you honestly and bipartisanly to make a change in the interest of environmental protection.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Mr. Speaker, on occasions in the recent past, Members of the minority on the floor have been cautioned about utilizing votes in the Senate or referring to the Senate's deliberations in any way on this floor.

Is that something which is only going to apply to the minority and references such as we just heard used extensively in the debate of the gentleman from New Hampshire go unreprimanded by the Chair?

The SPEAKER pro tempore. The Chair would indicate that those references should not have been made to specific votes in the other body, Members on both sides of the aisle will refrain from those kinds of references.

Mr. WALKER. I thank the Chair.

● Mr. WAXMAN. Mr. Speaker, when Anne Gorsuch Burford was forced to resign from the Environmental Protection Agency last year, many of us hoped the administration would adopt new environmental policies that protected our health and natural resources.

We hoped President Reagan would change his policies and establish an effective and cooperative working relationship with us on environmental issues.

It was not to be. Over the last year President Reagan has opposed every environmental initiative we have proposed. He has worked against the reauthorization of the Clean Air and Water Acts, the Superfund Program, and numerous wilderness bills. And he refuses to recognize emerging environmental crises, such as acid rain and ground-water contamination.

His appointment of Anne Gorsuch Burford to chair the National Advisory Committee on Oceans and Atmosphere is the icing on the cake. If we ever needed proof that the more things change the more they stay the same, we have it.

The Burford/Reagan record of 1981-83 boasts no legislative accomplishment. It shows no protections for the health and environment. And it exhibits little concern for our Nation's general well-being.

Instead, the record shows a complete disregard for the charge EPA is given: Protecting the American people and their environment.

Look up the Burford-Reagan clean air record. In 1981 they proposed and supported: Doubling the air pollution in our national parks; Eliminating the pollutant standards that protect the most vulnerable people in our society, such as children, the elderly, asthmatics, and those with heart and lung ailments; Doubling the allowable amounts of dangerous automobile emissions, a move that would condemn millions of Americans in more than a dozen major cities to new health hazards; No toxic air pollutant controls; No acid rain controls.

It's just as depressing to look up the Burford/Reagan Superfund record. Rita Lavelle's, Anne Burford's, and Ronald Reagan's mismanagement of the millions of dollars set aside to clean up these most dangerous waste sites is legend. Sweetheart deals and shredded documents were standard operating procedures. Superfund money wasn't spent unless it served the Administration's purposes. As a result, only 6 of the more than 500 worst sites have been cleaned up.

Rita Lavelle, the program's director was fired, indicted, and sentenced to prison.

When she was Administrator, Anne Burford liked to say that EPA "was doing more with less." But the fact is her EPA was doing nothing at all. Enforcement actions reached all time lows. New and innovative control proposals stopped. Agency morale sank.

The Burford EPA was a crippled agency. Ineptness, incompetence, and corruption among the President's top 20 original EPA appointees led 19 to resign, several in the face of criminal charges.

Bill Ruckelshaus was given a hero's welcome by EPA's professional staff when Mrs. Burford was forced to resign. The relief that greeted his arrival is the best measure of the fear that accompanied Mrs. Burford's tenure.

Mr. Reagan's environmental philosophy has been simple. It's destroy first, ask questions later. He couldn't pick a better person to implement his goals than Anne Burford. She has succeeded once, so the President wants to bring her back for an encore. But we have to wonder whether our health and environment can survive a command performance.●

● Mr. HOWARD. Mr. Speaker, I wish to express strong support for H. Res. 555 and my equally strong opposition to the appointment of Mrs. Burford to the National Advisory Commission on Oceans and the Atmosphere.

Mrs. Burford has not earned an appointment to this post or any other Federal Government post. Although it is an advisory commission, the members are expected to advise Government officials on environmental issues affecting the atmosphere and the oceans. In public statements reported in the weekend's newspapers, Mrs. Burford makes it apparent that she does not take her appointment to this Federal post seriously. In fact, she labels it a "joke" and a "nothingburger."

Those statements demonstrate that Mrs. Burford has not learned a thing about responsibility to the public since her days at the Environmental Protection Agency. She failed at her job, in large part because she was not qualified for it and did not understand the agency's mission. President Reagan has now decided to give her another, less visible post.

As the sponsor of the contempt citation that was voted by the House against Mrs. Burford, I would like to address some specific aspects of her conduct at EPA. Statements made by her defenders that no wrongdoing has never been proven are completely false. Mrs. Burford left a legacy of mismanagement at the Environmental Protection Agency that has yet to be overcome.

Her record is not one to be proud of—much less to warrant appointment to a Federal Commission. It was her administration at EPA that led to the departure of much of the experienced professional staff. It was her directions that led to a gutting of the enforcement effort on clean water and clean air that required immediate corrective action by her successor. It was her inability to recognize the environmental dangers posed by toxic waste dumps that led to a 3-year standstill in the Superfund Program.

While these may not be criminal misdeeds, they are more than policy questions. They are actions taken by the Administrator of a Federal agency designed to thwart the will of Congress as expressed in the statutes by simply not enforcing the law. Once a law is enacted, the agencies are responsible for enforcing it. The Administrator is responsible for the agency just as we are for our offices and committees.

The history of the Superfund Program is replete with examples of political manipulation, sweetheart deals, and accommodation to business interests instead of concern for the environment. I would like to detail three of the examples that were uncovered by the Subcommittee on Investigations and Oversight of the Committee on Public Works and Transportation.

First, there is the case of Dow Chemical and the draft dioxin report. Mrs. Burford's chief deputy made available to Dow Chemical a draft report citing Dow as the source for dioxin that had contaminated a Michigan river. Changes were made in that report to accommodate Dow's concerns and to delete references to Dow.

Second, there is the case of the Dallas lead cleanup. In this case, Mrs. Burford's chief deputy blocked a smelting firm in Dallas from conducting a voluntary cleanup of a playground and school area that had been contaminated by lead. This action was taken against the advice of the EPA regional office.

Third, there is the case of the Seymour, IN, Superfund site in which EPA agreed to settle with 24 major corporations for 25 percent of the cost of the estimated $30 million in cleanup costs while releasing the companies from future liability. This settlement, not unique by EPA standards during the Burford era, followed 1 year of negotiations.

There are certainly other examples. The Investigations Subcommittee has spent more than 2 years working on this situation. Much of that delay, however, was due to Mrs. Burford's refusal to release documents to a legitimate congressional investigation.

Mrs. Burford claims she was following directions from the Justice Department when she played the lead role in misleading and defying the Congress. There are certainly alternate courses of action for those who do not feel they have gotten the proper orders from their superiors. It takes courage and it takes a sense of public responsibility which Mrs. Burford so obviously lacks.

As a result, she became the first Cabinet level officer to be held in contempt by the House. All of her predecessors, even James Watt, yielded before reaching the stage of having a contempt citation voted on the House floor.

There has been a bipartisan consensus on the need to clean up the environment from the time EPA was founded under a Republican administration. The Democratic Congress was able to work with various EPA Administrators under both Democratic and Republican Presidents until the arrival of Mrs. Burford. She arrived with the belief that the EPA was evil and she set out to put that belief into practice. Her policies set the Nation's environmental efforts back several years. She should not be allowed to renew those antienvironmental policies even at an advisory commission post. I urge my colleagues to support this resolution.●

● Mr. SOLARZ. Mr. Speaker, on December 16, 1982, I joined 258 of our colleagues who voted to find EPA Administrator Anne McGill Burford in contempt of Congress.

This extraordinary vote took place after Ms. Burford refused to enforce key elements of our environmental laws and then resisted attempts by our authorized subcommittees to obtain documents thought to demonstrate her unwillingness to protect our air, land, and water resources. It was not long after that Ms. Burford was forced from her job. EPA, in 1983, lost more than two dozen high level employees. They had politicized the Agency, courted polluters, and turned their backs on the legal mandates enacted by the Congress designed to protect and enhance our natural resources.

In the wake of Ms. Burford's departure, and after the documents sought by Congressman ELLIOT LEVITAS' Public Works Oversight Subcommittee had been obtained, the House, acting in good faith, vitiated the contempt citation. Our colleagues, Congressman JIM HOWARD and ELLIOT LEVITAS, argued that no good purpose would be served by pursuing contempt of Congress charges against Ms. Burford. This was an act of statemanship on their part. Who knew, at that time, that Anne Burford would reappear in another capacity, in a position of responsibility in the area of Federal environmental policy?

Yet, on July 2, when Congress was in recess, President Reagan appointed Ms. Burford to chair the National Advisory Committee on Oceans and Atmosphere. This panel advises the President and the Congress on national ocean policy, coastal zone management issues, and on Federal marine and atmospheric programs. Because this panel, NACOA, is an advisory committee, the appointment does not require Senate confirmation.

On July 24, the Senate passed a nonbinding resolution disapproving the appointment of Ms. Burford as Chairman of NACOA. Today, we in the House have an opportunity to pass similar legislation. In spite of the fact that the legislation is merely symbolic, I support House Resolution 555.

With the possible exception of Social Security, there is no area which enjoys the degree of bipartisan support as do our efforts to safeguard the environment. For this reason, the Nation was nearly unanimous in condemning the actions of Anne Burford during here reign at the EPA. It was

not simply a matter of reacting to the political excesses, the wheeling and dealing which occurred at the Agency. It was a national recognition that she simply didn't believe in the laws—the Clean Air Act, the Safe Drinking Water Act, the Clean Water Act, TOSCA, RCRA, and Superfund—which represent our commitment to a safe and clean environment, that led to her demise.

Although President Reagan has already stated that he will ignore the will of Congress and follow through on Ms. Burford's appointment, I believe that the House must go on record in opposition to her return to Government. We know her record. We know her instinctual opposition to the laws which receive such broad support throughout the country. And we know too well the contempt she has for the doctrine of separation of powers.

Congressmen HOWARD and LEVITAS did the honorable thing, last year, when they authored legislation, which passed the House, purging Ms. Burford of the contempt citation. Even though she stonewalled Congress, and refused to turn over documents which Congrss was legally and constitutionally entitled to review, it was apparent at that time that nothing could be gained by pursuing the legal process further.

I wonder, however, whether they would do the same thing today. I wonder whether any subcommittee or full committee chairman would exhibit a similar willingness to "forgive and forget" in the wake of the President's decision to reappoint Ms. Burford.

If anything good will come from our vote today, it might be that a message will be sent to members of the executive branch who are contemplating the withholding of documents from the Congress on other matters. Until the appointment of Ms. Burford, they might have operated under the misapprehension that Congress would not follow through on contempt of Congress citations. In the wake of her "resurrection," I am not sure that any legislative or oversight chairman will be so forgiving in the future.

Today's vote, of course, has another more immediate purpose. The House of Representatives will echo the sentiments of millions of Americans who care about the quality of their environment and who remember all too well the threat posed to our ecology by the stewardship of Anne Burford at EPA. H. Res. 555, signaling our opposition to Ms. Burford's appointment as Chairperson of the National Advisory Committee on Oceans and Atmosphere, should be passed unanimously.●

● Mr. MATSUI. Mr. Speaker, by appointing Anne Burford to chair the National Advisory Committee on Oceans and Atmosphere, the President once again has shown appalling insensitivity to the environment. It was a bad decision and one which continues to receive the universal condemnation it deserves.

Anne Burford called the committee a joke and a nothingburger. The same can be said of her appointment.

Actually, I think her comments are quite revealing and should be taken seriously. As a White House insider, she has given her honest appraisal of the administration's programs and commitment to the environment. She knows that, as far as Reagan is concerned, envionmental issues and appointments really are a joke.

I think it's time we put a stop to this inappropriate levity. For protection of our national resources is not at all a humorous matter. We must show the President that careless, disrespectful, and token environmental efforts are unacceptable.●

● Mr. ALBOSTA. Mr. Speaker, I rise in support of House Resolution 555 in which the House of Representatives requests the President to withdraw the nomination of Anne M. Burford to be the next chair of the National Advisory Committee on Oceans and Atmosphere. I join my colleagues in a sense of moral outrage at the mere thought of returning Mrs. Burford to a position which is sensitive to environmental concerns. During her dubious tenure as Administrator of the EPA, she abused her position by making "sweetheart deals" with major polluters and failed to enforce the very regulations she was appointed to enforce.

As a member of the Subcommittee on Investigations and Oversight, I had the opportunity to question Mrs. Burford about the improprieties at the EPA. Her answers to my inquiries and that of the subcommittee were nonresponsive, defensive, evasive, and generally characteristic of her action or inaction at the EPA.

Mrs. Burford's scandalous activities while at the helm of the EPA make this new appointment inappropriate and indefensible. We should not hire a wolf to guard the sheep.

Her refusal to supply the House of Representatives with subpoenaed documents gave rise to a contempt citation. Her recent comments about this position, referring to it a "joke" and a "nothingburger", suggest that she would not take this job seriously nor responsibly. Mrs. Burford's disdain for compliance with the law, contempt of Congress and lack of sensitivity to environmental cleanup suggest that she should not be in this position.

Mr. Speaker, as the Public Works and Transportation Committee begins to consider the reauthorization of Superfund this week, it brings to mind the mismanagement of that important program under her tenure. The President needs to reconsider this appointment and install someone who will have an open mind and deal fairly with environmental issues as chair of the NOCOA. The President needs to indicate his support of the environment by appointing a more responsible and qualified individual.●

● Mrs. COLLINS. Mr. Speaker, I rise in support of H.R. 555, to disapprove the appointment of Anne M. Burford as chairperson of the National Advisory Committee on Oceans and Atmosphere [NACOA] and to urge President Reagan to withdraw this unfortunate appointment.

Mrs. Burford's term as administrator of the Environmental Protection Agency was a national disgrace from which that agency is only now recovering. She rode roughshod over the environment while cozying up to the President's corporate cronies and their bent for pollution. Her inexcusable mismanagement of the $1.6 billion Superfund toxic-waste cleanup has slowed this urgent program and illustrated her obvious lack of competence and responsibility.

Mr. Speaker, as if this shameful performance was not enough, the President has decided that she was merely a victim of the news media and his political opponents. Thus, he has appointed her to lead a distinguished advisory panel which she was already characterized as "a joke" and "a nothingburger." Hardly an auspicious start.

I am certain that our Nation's environment does not need any more leadership of the caliber Mrs. Burford is able to provide. Surely it must be possible to fill this position with someone other than "an embarrassment," a term used by some of President Reagan's own senior aides. Thus, I urge my colleagues to join the Senate is advising the President to reconsider his choice of Anne Burford as Chairperson of NACOA.●

● Mr. SHUMWAY. Mr. Speaker, I rise in opposition to House Resolution 555, a resolution disapproving the appointment of Mrs. Anne Burford to the position of Chair of the National Advisory Committee on Oceans and Atmosphere. I would like to take this opportunity to point out to my colleagues that when Congress established NACOA in 1971, we did not see fit to require the advice and consent of the Congress to approve the President's appointments. Why, then, should we take the valuable time of this body to discuss and vote on a nonbinding resolution that conflicts with the basic tenet of separation of powers? If this Congress really feels that its responsibility should include approving the Presidential appointments to NACOA, then we should be amending the NACOA Act, not spending time on this legislatively meaningless resolution.

I would also like to stress for my colleagues that with approximately only 40 legislative days left in this Congress, to be debating and discussing a

nonbinding resolution on a Presidential appointment to an advisory committee which has no policymaking authority is an unfortunate waste of this body's time. It would be much more beneficial to this Nation if we were to get on with the real business at hand by debating such consequential legislation as the crime control bill, the balanced budget amendment or even some of the important environmental legislation which has yet to be considered.

Finally, Mr. Speaker, for the benefit of those concerned that NACOA continue to carry out its mandated responsibilities to review National Oceanic and Atmospheric policy and provide recommendations to the executive and legislative branches, I, as one Member, am confident that the consensus process by which NACOA arrives at its recommendations will remain intact, producing the same quality of reports as always.

The President has appointed in Mrs. Burford an administrator as qualified in assisting NACOA deal with its water and air issues as any in the past. I urge my colleagues to vote against this resolution and I hope that we can move expeditiously to matters more pressing than this meaningless resolution.●

● Mr. RICHARDSON. Mr. Speaker, I rise today in strong support of House Resolution 555, to urge the President to reconsider the nomination of Anne M. Burford as Chairperson of the National Advisory Committee on Oceans and Atmosphere.

Mrs. Burford, as Administrator of the EPA, has made her position clear on our environment. She was willing to let the voices of big industry outweigh the demands of the American people for a clean environment. In her 22-month tenure as chief Administrator of the Environmental Protection Agency she took what had been a two decade tradition of a nonpartisan environmental protection policy and turned it into a crippled partisan troubled agency.

In an interview recently Mrs. Burford said that her new appointment was a "nothingburger. They meet three times a year. They don't do anything. It's a joke. The President wanted to appoint me to something, and he did."

Even unnamed White House aides said Mrs. Burford's comments did not reflect the President's views. Other members of the advisory commission reacted with dismay.

Unless the President decides otherwise, Mrs. Burford this week will take over as head of this panel, despite her deplorable record as head of EPA, despite her recent comments that have embarrassed the President and belittled an important advisory committee, despite a 79-14 Senate vote asking the President to withdraw this appointment.

Even if the President persists in keeping Mrs. Burford, I hope that this body makes a statement loud and clear that we will not be a party to this appointment.

"My own attitude has been that the law gives us what looks like a pretty important assignment. If the President of the United States asks you to serve on something like this, you ought to take it seriously" said one Member.●

● Mr. DONNELLY. Mr. Speaker, I rise to thank Anne Burford—to thank her for reminding us so forcefully just a few days ago why she should not be placed in any position with responsibility for our Nation's precious environment.

In her well-publicized comments last Friday, Mrs. Burford demonstrated once again that she has nothing but contempt for our environmental laws, and contempt for the efforts of Congress to make sure those laws are being enforced.

Yet President Reagan has named her to chair the National Advisory Committee on Oceans and Atmosphere, a committee Mrs. Burford dismisses with contempt as a joke.

Sadly, this administration does not seem to have gotten the message that our environment and our Government's efforts to protect it deserve to be treated with the highest respect. And respect is something that Mrs. Burford neither understands nor deserves.●

● Mr. MARKEY. Mr. Speaker, the reappointment of Anne Burford to a position of responsibility and trust is an outrage and an insult to the American people. Surely, if the Nation had any doubts about Ronald Reagan's environmental policies, then this single act has put them to rest. The President and his administration have one abiding and consistent attitude toward our priceless natural heritage and that is: complete and utter contempt.

The unvarnished truth is that by her own actions Anne Burford has demonstrated that she is unfit for public office.

In his second annual message to Congress, Abraham Lincoln set out his understanding of the importance of protecting our national trust: "A Nation may be said to consist of its territory, its people and its laws. The territory is the only part which is of certain durability."

During her tenure as Administrator of the Environmental Protection Agency [EPA], Anne Burford's accomplishments were not positive achievements, but rather an agenda of shame which has brought disgrace and discredit upon this administration.

The Burford policies were: Scorn for the territory and betrayal for clean water and clean air; Insults to the American people and jeers at faithful public service; and, abuse and disdain for the laws which she was sworn to uphold and defend.

Mr. Speaker, under the leadership of Anne Burford the letters EPA came to stand for equivocation, procrastination and apathy when it came to protection of the public health and safety, but it was effluents and polluters assistance when it came to sweetheart deals with polluting companies.

I submit that an official charged with enforcement of our laws protecting the environment must be a faithful servant, not a traitorous double agent. We cannot tolerate positions of responsibility and trust being filled by individuals who demonstrate hostility to the public at large and altruism for only the polluter, the conniver and the midnight dumper.

Mr. Speaker, this Nation's environment and the people's welfare depend upon the vigorous and nonpartisan enforcement of our laws. Our fragile planet and the future of our children cannot be entrusted to Anne Burford, who has consistently refused to act on urgent problems, repeatedly hindered others from fulfilling their duties, and invariably suppressed information.

To return to Mr. Lincoln's thoughts about the durability of our territory, I think the founder of our National Park System may have made an incorrect assumption. Mr. Lincoln apparently believed that the land, water and air, which are so durable and forgiving, would be fairly and honestly administered and looked after. I doubt that Mr. Lincoln would have placed so great a reliance upon the durability of the territory, if his nightmares had envisioned our reality: that is, Anne Burford in charge of protecting and defending our precious environment.

I think, Mr. Speaker, had Mr. Lincoln known that an individual who thinks protecting the air and the oceans is a "joke" would be named to chair a panel with such responsibilities we would have recalled the following lines from "Macbeth," and he would have wept for his country:

Fair is foul, and foul is fair;
Hover through the fog and filthy air.

Mr. Speaker, I do not share Anne Burford's vision of America as the setting for a harsh struggle of economy versus environment. I do not share her short-sighted and mean-spirited policies of maximizing the financial benefits of continued pollution at the expense of the long-term availability of the resources on which the health, wealth and well-being of the whole Nation ultimately depends.

Mr. Speaker, I think the American people agree that Anne Burford is not fit to serve in any position of responsibility and trust, and I strongly urge my colleagues to join us in condemning her appointment. It is our duty to protect them from this hostile steward

of our environment, for as the old New England proverb says:

Fool me once, shame on you;
Fool me twice, shame on me.●

● Mr. McCANDLESS. Mr. Speaker, I wonder how any of us would react if the President told us that he disapproved of someone we just hired and suggested that we fire that person. I venture to say that we'd be angry and, perhaps, amused that the President would interfere with a decision that was ours to make.

Well Mr. Speaker, some Members are forgetting the Golden Rule, because that's exactly what House Resolution 555 does—it tells the President that the Congress doesn't approve of the person he's appointed to the National Advisory Committee on Oceans and Atmosphere [NACOA], and that he ought to fire her.

While I don't know Mrs. Burford personally, I do know that she has engendered a lot of criticism and animosity, and that, as a result, many Members plan to vote for this resolution. But I believe on principle that it's the President's call. We have no constitutional or statutory authority to tell the President what to do in this instance.

Whatever opinion one holds of Mrs. Burford or of her appointment, our constitutional role is not to act as some sort of employment consulting agency to the President, tacitly approving or explicitly disapproving every executive appointment. We are supposed to establish our Government's policies and priorities. We ought not to be spending the precious little time we have for legislative debate on a resolution that has absolutely no binding effect.

Some Members argue that House Resolution 555 is a statement, and that by voting for it, we will send the President a message. As I have just explained, I do not view our constitutional role in the same manner. But to the extent Members are inclined to tell the President who he should or should not hire, the message could be dispatched as effectively, and at much less cost to the American people, by first-class mail.

I daresay that many American people feel that one of the major problems with the Congress is that it is always stepping into someone else's flower garden while forgetting to tend to its own. Quite frankly, I'm sure the people of my district in Riverside, CA—which borders on the Stringfellow hazardous waste site—would much prefer that we instead spent our legislative day talking about Superfund amendments to help speed the clean up of toxic wastes, or safe drinking water, or the Clean Air Act reauthorization.

I wish to emphasize that I am in no way trying to defend Mrs. Burford or her appointment. Quite frankly, if the recent news accounts I have read are accurate, I am puzzled as to why Mrs. Burford even wants to accept the appointment, because she seems to have little regard for NACOA.

Mr. Speaker, my constituents sent me here to legislate, not to act as a personnel manager to the President. I wouldn't want the President telling me who to hire, so I am not going to do it to him. For that reason, I plan to vote against this resolution.●

The SPEAKER pro tempore. All time has expired.

The question is on the motion offered by the gentleman from New Hampshire [Mr. D'AMOURS] that the House suspend the rules and agree to the resolution, House Resolution 555.

The question was taken.

Mr. D'AMOURS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 51, not voting 19, as follows:

[Roll No. 331]

YEAS—363

Addabbo
Akaka
Albosta
Alexander
Anderson
Andrews (NC)
Andrews (TX)
Annunzio
Applegate
Archer
Aspin
AuCoin
Barnard
Barnes
Bateman
Bates
Bedell
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner
Bonior
Bonker
Borski
Bosco
Boucher
Boxer
Breaux
Britt
Brooks
Broomfield
Brown (CA)
Broyhill
Bryant
Burton (CA)
Byron
Campbell
Carney
Carper
Carr
Chandler
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Conable
Conte
Conyers
Cooper
Coughlin
Courter
Coyne
Crockett
D'Amours
Darden
Daschle
Daub
Davis
de la Garza
Dellums
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edgar
Edwards (AL)
Edwards (CA)
Emerson
English
Erdreich
Evans (IA)
Evans (IL)
Fascell
Fazio
Feighan
Fiedler
Fields
Fish
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Fowler
Frank
Frost
Fuqua
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gradison
Gray
Green
Gregg
Guarini
Gunderson
Hall (IN)
Hall (OH)
Hall, Ralph
Hall, Sam
Hamilton
Hance
Harkin
Harrison
Hatcher
Hawkins
Hayes
Hefner
Heftel
Hertel
Hightower
Hiler
Hillis
Holt
Hopkins
Horton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Ireland
Jacobs
Jeffords
Jenkins
Johnson
Jones (NC)
Jones (OK)
Jones (TN)
Kaptur
Kasich
Kastenmeier
Kazen
Kennelly
Kildee
Kleczka
Kogovsek
Kolter
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin
Levine
Levitas
Lewis (FL)
Lipinski
Long (LA)
Long (MD)
Lowery (CA)
Lowry (WA)
Luken
Lundine
Mack
MacKay
Markey
Martin (IL)
Martin (NC)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
McHugh
McKernan
McKinney
McNulty
Mica
Mikulski
Miller (CA)
Miller (OH)
Mineta
Minish
Mitchell
Moakley
Mollohan
Montgomery
Moody
Moore
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nowak
O'Brien
Oberstar
Obey
Olin
Ortiz
Ottinger
Owens
Packard
Panetta
Parris
Pashayan
Patman
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickle
Porter
Price
Pritchard
Pursell
Rahall
Rangel
Ratchford
Ray
Regula
Reid
Richardson
Ridge
Rinaldo
Ritter
Roberts
Rodino
Roe
Roemer
Rogers
Rose
Roth
Roukema
Rowland
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schulze
Schumer
Seiberling
Sensenbrenner
Shannon
Sharp
Shaw
Shelby
Shuster
Sikorski
Siljander
Simon
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Snyder
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vander Jagt
Vandergriff
Vento
Volkmer
Walgren
Walker
Watkins
Waxman
Weaver
Weber
Weiss
Wheat
Whitehurst
Whitley
Whitten
Williams (MT)
Williams (OH)
Wilson
Wirth
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (FL)
Young (MO)
Zschau

NAYS—51

Badham
Bartlett
Brown (CO)
Burton (IN)
Chappie
Corcoran
Craig
Crane, Daniel
Crane, Philip
Daniel
Dannemeyer
Edwards (OK)
Erlenborn
Hammerschmidt
Hansen (UT)
Hartnett
Hunter
Hyde
Kemp
Kindness
Kramer
Latta
Leath
Lewis (CA)
Livingston
Loeffler
Lott
Lujan
Lungren
Marlenee
McCain
McCandless
Michel
Molinari
Nielson
Oxley
Paul
Quillen
Robinson
Rudd
Schaefer
Shumway
Skeen
Smith, Denny
Smith, Robert
Stump
Thomas (CA)
Vucanovich
Whittaker
Winn
Young (AK)

NOT VOTING—19

Ackerman
Anthony
Bethune
Collins
Derrick
Dickinson
Ferraro
Franklin
Frenzel
Gore
Gramm
Hansen (ID)
Leland
Lloyd
Madigan
Marriott
Oakar
Rostenkowski
Towns

□ 1600

Mr. HUNTER changed his vote from "yea" to "nay."

Messrs. CARNEY, SLATTERY, and TORRES changed their votes from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. D'AMOURS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 555, the resolution just agreed to.

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

There was no objection.

PERSONAL EXPLANATION

● Mr. FRENZEL. Mr. Speaker, on rollcall No. 331 today, I was unavoidably absent and unable to vote. Had I been present I would have voted "aye" on House Resolution 555, on the matter of the appointment and confirmation of Mrs. Burford.●

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4444, SMALL RECLAMATION PROJECTS ACT OF 1956 AMENDMENTS

Mr. LONG of Louisiana, from the Committee on Rules, submitted a privileged report (Rept. No. 98-919) on the resolution (H. Res. 559) providing for the consideration of the bill (H.R. 4444) to amend the Small Reclamation Projects Act of 1956, as amended, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4567, INDIAN HEALTH CARE AMENDMENTS OF 1984

Mr. LONG of Louisiana, from the Committee on Rules submitted a privileged report (Rept. No. 98-920) on the resolution (H. Res. 560) providing for the consideration of the bill (H.R. 4567) to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2934, PUBLIC HEALTH SERVICE ACT, HEALTH PLANNING AMENDMENTS OF 1983

Mr. LONG of Louisiana, from the Committee on Rules submitted a privileged report (Rept. No. 98-921) on the resolution (H. Res. 561) providing for the consideration of the bill (H.R. 2934) to amend the Public Health Service Act to extend through fiscal year 1985 the health planning authority under that act and to repeal that authority September 30, 1986, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5585, RAILROAD SAFETY IMPROVEMENT ACT OF 1984

Mr. LONG of Louisiana, from the Committee on Rules submitted a privileged report (Rept. No. 98-922) on the resolution (H. Res. 562) providing for the consideration of the bill (H.R. 5585) to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 2436, ACTIVITIES OF CORPORATION FOR PUBLIC BROADCASTING AUTHORIZATIONS

Mr. LONG of Louisiana, from the Committee on Rules submitted a privileged report (Rept. No. 98-923) on the resolution (H. Res. 563) providing for the consideration of the Senate bill (S. 2436) to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes, which was referred to the House Calendar and ordered to be printed.

□ 1610

WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 5973, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 557 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 557

Resolved, That during the consideration of the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, all points of order against the following provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived: beginning on page 2, lines 1 through 15; beginning on page 3, line 23 through page 6, line 10; beginning on page 9, line 15 through page 10, line 5; beginning on page 11, line 9 through page 12, line 6; beginning on page 14, lines 3 through 6; beginning on page 25, line 21 through page 26, line 20; beginning on page 43; lines 7 through 16; beginning on page 47, line 3 through page 49, line 9; beginning on page 52, line 3 through page 53, line 12; beginning on page 56, line 8 through page 57, line 10; beginning on page 63, lines 15 through 21; and beginning on page 65, lines 1 through 4; and all points of order against the following provisions in the bill for failure to comply with the provisions of clause 6, rule XXI, are hereby waived: beginning on page 17, line 19 through page 18, line 9; and beginning on page 47, lines 3 through 22. It shall be in order to consider an amendment to the bill printed in the Congressional Record of July 26, 1984, by, and if offered by, Representative Conte of Massachusetts, and all points of order against said amendment for failure to comply with the provisions of clause 2 of rule XXI and clause 7 of rule XVI are hereby waived.

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LONG] is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, as is the custom, I yield 30 minutes for the purpose of debate only to the gentleman from Tennessee [Mr. QUILLEN], and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 557 waives points of order against certain provisions of H.R. 5973, the Department of the Interior and Related Agencies Appropriations bill for 1985.

The rule does not provide for the bill's consideration since general appropriations measures are privileged. Also, the rule does not specify the division of time since the time for general debate will be determined by unanimous consent.

House Resolution 557 waives points of order against certain provisions of the bill under clause 2 and clause 6 of rule XXI.

Clause 2 of rule XXI prohibits appropriations for unauthorized purposes or language which has the effect of changing existing law. The precise sections for which clause 2 waivers are recommended are fully stated in House Resolution 557 by page and line number.

These waivers are necessary largely because authorizing legislation for the programs involved has not yet been enacted into law. Most, if not all, of the programs needing waivers have authorizing legislation under active consideration at some stage of the legislative process. In addition, several of these provisions contain matters which are legislative in nature, and thus are prohibited from being includ-

ed in a general appropriations bill. The waiver of clause 2 therefore covers both lack of an authorization and legislation in an appropriation bill.

Clause 6 of rule XXI prohibits the reappropriation of previously appropriated funds. A waiver of this rule is necessary for two paragraphs of H.R. 5973 because they transfer unexpended funds from the previous fiscal year to fiscal year 1985. Further, one of these paragraphs also allows the funds to be made available for a different purpose.

Finally, House Resolution 557 makes in order an amendment to be offered by Mr. CONTE and printed in the RECORD on July 26, 1984. The rule waives points of order against consideration of this amendment for violation of clause 2, rule XXI and clause 7, rule XVI.

The waiver of clause 2 is necessary because the amendment contains a rescission which repeals a previous appropriation and, therefore, constitutes legislation in an appropriations bill. The germaneness waiver is provided because no rescissions currently exist in the base bill. Therefore, a question arose as to whether an amendment rescinding funds might indeed be germane to the bill. The committee, in order to insure that Mr. CONTE would be able to offer his amendment, included the waiver.

The amendment, which Mr. CONTE will offer on behalf of himself and Representatives SYNAR, BROYHILL, and WOLPE, would rescind $10 billion in funds from the Synfuels Corporation. The Conte amendment may be amended by any other amendment which does nothing more than change the dollar figure. Any amendment, however, which might contain additional language other than a simple change in the dollar figure would violate House rules and, therefore, be subject to a point of order. Although the rule does not specify any other amendment, it does not preclude the offering of an amendment which is not in violation of House rules.

Mr. Speaker, H.R. 5973 appropriates $8.5 billion for the Department of the Interior and Related Agencies. These funds will support a wide variety of programs, including our national parks and forests, Indian services, energy research and conservation, the arts, humanities, and historic preservation.

The Rules Committee has recommended a rule that will allow timely consideration of the bill, and also will permit the House to work its will on an issue which, although not a part of this bill, is of great interest to the Members. I urge my colleagues to adopt this rule so that we may proceed to the consideration of this important appropriations bill.

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

Mr. Speaker, the rule has been ably explained. If the Members will remember, last Wednesday the same rule, without the provision for the synthetic fuels amendments that the gentleman from Louisiana has outlined, was defeated 261 to 148.

We are now plowing the same ground again, and I believe that the reason the resolution was defeated last week was because the sythetic fuels amendments were not in order. Under this new rule the amendment of the gentleman from Massachusetts [Mr. CONTE] is in order. The Ratchford-McDade amendment, which I understand will be offered to reduce the figure in the Conte amendment is in order.

Mr. Speaker, we all know how important our synthetic fuels program is. I take the same position today that I took last week, namely, that the Synthetic Fuels Corporation should be fully funded. On the other hand, I have no objection to the House expressing its will on the amendments to be offered.

Mr. Speaker, I urge the adoption of the rule so we can get down to the business of passing the appropriation measure.

Mr. LONG of Louisiana. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. WOLPE].

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

Mr. Speaker, I rise in support of the rule. This rule now provides every Member of this body the opportunity to determine the proper level of funding that should be available to the Synthetic Fuels Corporation.

In light of the serious technical and economic problems that prevent the successful commercialization of synfuels technologies at this time, I hope that my colleagues will give their strong support to the bipartisan compromise amendment that will rescind $10 billion from the SFC.

But I did not seek recognition at this time to begin the debate on the amendments of today's bill. Rather, I rise to point out that today's effort to reduce the Synthetic Fuels Corporation's funding level is only the first step in reforming the Synthetic Fuels Corporation.

It is my hope that the authorizing committees with jurisdiction will soon address three other major problems that hamper our Nation's Synfuels Development Program.

First, there is considerable evidence to suggest that our Synfuels Program is now unwisely tilted in favor of premature commercialization when much additional research and development work needs to be done. I am convinced that we must step up our synfuels research and development efforts if we are to solve the numerous technical problems that currently prevent the successful commercialization of synfuels technologies.

Second, when the SFC was created, it was placed beyond the effective purview of Congress. If we are to guarantee that tax dollars are invested wisely, we must improve congressional oversight of the SFC.

And third, we must make the SFC more accountable to the American people. The creators of the SFC thought it would operate more efficiently if it were unfettered by many of the laws and regulations that other Federal agencies must follow. In reality, we have created an agency with a track record that is replete with numerous examples of abuses of the public confidence. If the SFC is to function in the best interest of the American people, it is imperative that it be accountable to the American people.

We should eliminate the SFC's exemptions from the Freedom of Information Act, conflict of interest regulations, Federal salary schedules, and Government in the sunshine regulations.

Again, I urge my colleagues to support the rule before us. In addition, I urge my colleagues to support the bipartisan compromise amendment to rescind $10 billion as the first step toward reforming the Synthetic Fuels Corporation.

□ 1620

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I rise in support of this rule providing for the consideration of H.R. 5973, the Interior appropriations bill for fiscal year 1985.

The rule waives points of order against various programs that have not yet received final approval of their authorizations, thereby permitting us to proceed with appropriations for a number of important conservation, natural resource, and energy programs. In addition, in response to the overwhelming vote on the House floor last week, the rule provides for the consideration of an amendment that I will be offering on behalf of Congressmen WOLPE, BROYHILL, SYNAR, and myself to rescind $10 billion in funding for the Synthetic Fuels Corporation.

Mr. Speaker, recent criticisms of the Synthetic Fuels Corporation and its program are well-justified. Two Corporation Presidents, an five of the Corporation's seven directors, have resigned amid charges of cronyism, conflict of interest, sweetheart deals, and ethical violations. In the absence of a quorum, the SFC is dead in the water.

All of us in the Congress want energy security—there is no question about that. But we need to seriously

ask ourselves what price we are prepared to ask our constitutents to pay for that independence.

The Synthetic Fuels Corporation wants us to pay $92 per barrel for the Union Oil shale project—a subsidy of $69 per barrel for a technology that won't work after more than 20 tries. If the plant ever operates—and that seems to be a legitimate question—we will be paying about $1 million a day in subsidies.

That's not energy security—it's energy insanity.

At that price, we will be totally bankrupt before we are secure. At a time when everyone is arguing about reducing the deficit, let us not be fooled by claims about energy security, about how we can buy that security for only another $5 or $10 billion.

The $10 billion rescission that I will offer will permit a number of additional synfuels projects to be built. It will not continue the corporate welfare subsidy for the Union Oil shale technologies. It will not provide continued bailouts for the pet projects of the big oil companies—companies that are reporting record profits for the most recent quarter. It will not provide enough money to pursue the most environmentally dangerous approaches.

But the additional $3.3 billion that my amendment would permit to be spent will permit the funding of additional technologies to fully demonstrate the viability of synthetic fuels production. It will cut out the waste and the fat—not the beef.

Mr. Speaker, I urge the adoption of this rule, this bill, and my amendment to rescind $10 billion from the Sunfuels Corporation.

Mr. LONG of Louisiana. Mr. Speaker, I yield 2 minutes, for purposes of debate only, to the gentleman from Connecticut [Mr. RATCHFORD].

Mr. RATCHFORD. Mr. Speaker, I take this time to rise in support of the rule, but also to alert the Members that at the time the amendment is offered by the gentleman from Michigan and the gentleman from Massachusetts, I will offer an amendment to reduce the rescission to $5 billion. This is a middle of the road position. This is a moderate position. This is a position that most of the Members should support.

We should not, Mr. Speaker, after the start that we made in 1980, after the difficulties that we went through in 1979, after the current problems that we now have in the Middle East, kill a program which is critical to the energy well-being of this country.

I can agree with most of what has been said by the gentleman from Michigan and the gentleman from Massachusetts. Yes, better management is needed. Yes, more accountability is needed. Yes, better oversight is needed, but what we do not need is to kill the bill.

Make no mistake about it, if we approve the amendment to be offered by the gentleman from Massachusetts and the gentleman from Michigan, we will not be reforming the program. We will not be improving the program. We will not be strengthening the program. We will be killing the program.

This country cannot afford the luxury of going forward without the development for commercial purposes of synthetic fuels. We simply do not have the luxury of relying on what we have in the form of natural resources. We cannot put ourselves in a position again of being at the mercy of the OPEC countries and that is exactly what we do if we turn back the clock on this program.

We can demand better oversight. We can demand more accountability. We can demand both the authorizing and the appropriation committees to get involved and make sure that this program is managed properly, that taxpayers' funds are used properly, but we cannot, Mr. Speaker, make the decision to turn back the clock, reverse the steps toward energy independence and in the long run leave this country holding the proverbial bag.

I support the rule and alert the Members to the amendment.

Mr. LONG of Louisiana. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and to include extraneous material, on the bill, H.R. 5973.

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

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS, 1985

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate on the bill be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from Pennsylvania [Mr. McDADE] and myself.

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

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois [Mr. YATES].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentleman from Missouri [Mr. GEPHARDT] as Chairman of the Committee of the Whole and requests the gentleman from Indiana [Mr. JACOBS] to assume the chair temporarily.

□ 1629

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5973, with Mr. JACOBS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN pro tempore. Under the unanimous-consent agreement, the gentleman from Illinois [Mr. YATES] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. McDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois [Mr. YATES].

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at the start of the debate, I want to alert the membership to what the hope and plan for consideration of the bill will be. It is the intention of the Committee at the conclusion of general debate to read the bill by title. When action on amendments to title I is concluded and on all amendments to title II except for the motion to be offered by the gentleman from Massachusetts [Mr. CONTE] to rescind the $10 billion from the Synthetic Fuels Corporation, I will move that the Committee rise.

□ 1630

It is the intention of the Committee to return to reconsider the bill on Thursday, August 2. We hope to adhere to that plan and with the cooperation of the membership I am sure that we can.

Mr. Chairman, I am pleased to bring to the Committee of the Whole the Interior and related agencies appropriations bill for fiscal year 1985. This is a good bill. It is very good bill which has the support of all the members of the subcommittee which fashioned the bill, except in a few minor respects.

It is over the President's budget that was originally submitted but it is within the 302 allocation in the budget that was approved by the House upon

the recommendation of the Budget Committee.

Mr. Chairman, it was a difficult bill to fashion because of the whipsaw in which the President's budget recommendations placed us. That whipsaw was created when the President cut a number of the excellent programs that had appeared in the bill for fiscal year 1984, and at the same time he recommended increases in other excellent programs, the necessity for which the Committee acknowledged. As a result, the Committee found itself having to deal with reductions of $376 million that had been approved in the 1984 bill, and with increases that were almost in the same amount. The increases totaled $352 million so that by the time we considered the bill there was approximately $728 million that we had to reconcile between cuts and increases.

What we did do, Mr. Chairman, is draft a bill that was a combination of the programs that Congress wanted and those that the President wanted. The figures in the bill that we finally approved were $8,509,496,000 in new budget authority, a sum which is approximately $830 million above the President's budget request. In the bill we provided for many of the increases the President wanted but we did not make all of the reductions that the President wanted. And we maintained the programs that the Congress had approved in the fiscal year 1984 bill and which the President had signed into law. They are all excellent programs.

Significant additions over the budget are itemized in the committee report and I will not go into them at this time. You will find them on pages 4, 5, and 6 of the committee report.

Mr. Chairman, that is the kind of a bill that we have brought to the floor today, a bill that is based on reason, on long and detailed hearings, printed in 12 volumes of 13,000 pages. We heard over 800 witnesses. We heard from over 250 Members of Congress, all of whom addressed the needs of their districts when they appeared before us or wrote to us.

When we appeared before you last year, Mr. Chairman, our bill provided for a moratorium on coal leasing. You will recall, Mr. Chairman, that the former Secretary of the Interior, James Watt, had so mishandled the coal leasing program, that our committee recommended to the Congress, and the Congress approved, a moratorium on coal leasing until that program could be reviewed by an outside panel of expert members and the recommendations considered. That commission, known as the Linowes Commission, sustained the findings of the Appropriation Committee's investigative staff and the General Accounting Office that the Powder River Basin sale had been an improvident one. Our Appropriations Committee investigative staff had concluded that the taxpayers had lost approximately $60 million. The General Accounting Office's estimate was $100 million.

When the new Secretary of the Interior, William Clark, came before our committee he said that he would follow all the recommendations of the Linowes Commission except one, and based upon that assurance, Mr. Chairman, our committee recommended that the moratorium on coal leasing not be continued.

We said that we would continue to monitor the Secretary's activities not only in the field of coal leasing but other fields as well. But we had confidence in what the Secretary had testified and we did not renew the coal moratorium.

That is why, Mr. Chairman, I find most disconcerting the speech that was given by Assistant Secretary of the Interior Garrey Carruthers this June to the Wyoming Mining Association after the appearance of Secretary Clark before our committee. This is what Assistant Secretary Carruthers told the Mining Association on June 28, and I quote from an article that appeared in the Jackson Hole Guide:

> U.S. Interior Department Assistant Secretary Garrey Carruthers compared his agency to a restaurant under new management Thursday during the 29th annual convention of the Wyoming Mining Association at Jackson Lake Lodge. Carruthers, who is the Interior Department Assistant Secretary of Land and Minerals Management, said William Clark's appointment as Secretary of the Interior, replacing former Secretary James Watt, will not precipitate any sweeping changes in the Department.
>
> Carruthers is quoted as having said, "When a restaurant comes under new management usually the only things that really change are the prices and the specials. So instead of fried chicken, it might be country fried chicken or something like that," Carruthers told the convention. "That's also the case at the Interior Department. Since coming under new management, the only things which have changed are the specials."

In other words, according to Carruthers, the country and the Congress are going to be served the same old hash from Secretary Clark that they got from Secretary Watt. Carruthers was one of Watt's closest advisers and he still holds a high position in the Clark administration.

It was Carruthers, Mr. Chairman, who dismissed the report of our investigative staff on the Powder River by calling it "a deceitful political document."

The report was not only sustained by the General Accounting Office, but by the Linowes Commission as well. The statement that he made about the difference in the chicken seems likely to give us all a case of indigestion. And we are aware, Mr. Chairman, that based upon such statements from the Assistant Secretary, our committee had better not relax and had better stay on the alert insofar as Secretary Clark's policies are concerned.

Mr. Chairman, this is a good bill. It is based on reason, upon fact, upon the committee's determination to continue to rectify in some measure the indifference toward and the wrongs committed against the Indian people. It deserves your support.

There is one other point I want to make, and it is another disconcerting fact which relates to my very good friend, the gentleman from Pennsylvania [Mr. McDADE] who is the ranking member of our subcommittee, and with whom I have worked for so many years in fashioning this bill. This next year the gentleman from Pennsylvania [Mr. McDADE] will not be the subcommittee ranking minority member. He has called it a good bill. I find it hard to reconcile his intention to offer an amendment to reduce our bill with the statement that he made in the report. It is there for everyone to see. He said this:

> I am proud of this legislation as it meets the very strict standards we set for ourselves prior to its drafting. We have succeeded in designing a bill that makes the kind of investments in our Nation that return dividends many times over in preservation and management of America's precious resources.

That is the speech that the gentleman has been making over the years and he is right, not only about the past bills, but he is right about this bill.

But he goes on and he says, "Yet there is one area in which we have failed, we have not produced a bill that will receive the support of the President. We must reduce the total funding level in this bill to assure its acceptance by the White House."

The gentleman from Pennsylvania is my very good friend, and whatever happens on our bill the gentleman from Pennsylvania will continue to be my very good friend. We have rarely disagreed. But certainly this time we disagree if he offers his amendment.

I think he is wrong in being a good soldier for the White House. That is his privilege. But it is up to us in the Congress to draft this bill.

We will meet the challenge when it comes. I hope his amendment will be rejected by the House.

With that, I reserve the balance of my time.

At this point, I place in the RECORD a comparative statement of new budget authority contained in the bill:

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
TITLE I - DEPARTMENT OF THE INTERIOR					
LAND AND WATER RESOURCES					
Bureau of Land Management					
Management of lands and resources	359,601,000	353,159,000	364,444,000	+4,843,000	+11,285,000
Construction and access	1,200,000	1,228,000	1,228,000	+28,000	---
Payments in lieu of taxes	105,000,000	105,000,000	105,000,000	---	---
Special acquisition of lands and minerals (authority to borrow)	---	10,000,000	---	---	-10,000,000
Land acquisition	1,391,000	---	4,500,000	+3,109,000	+4,500,000
Oregon and California grant lands	51,536,000	49,747,000	55,147,000	+3,611,000	+5,400,000
Range improvements	10,000,000	10,000,000	7,330,000	-2,670,000	-2,670,000
Service charges, deposits, and forfeitures	8,700,000	9,075,000	9,075,000	+375,000	---
Miscellaneous trust funds	100,000	100,000	100,000	---	---
Total, Bureau of Land Management	537,528,000	538,309,000	546,824,000	+9,296,000	+8,515,000
FISH AND WILDLIFE AND PARKS					
United States Fish and Wildlife Service					
Resource management	271,303,000	291,850,000	305,964,000	+34,661,000	+14,114,000
Construction and anadromous fish	27,301,000	9,127,000	17,342,000	-9,959,000	+8,215,000
Migratory bird conservation account	7,000,000	---	9,000,000	+2,000,000	+9,000,000
Land acquisition	42,297,000	57,500,000	60,658,000	+18,361,000	+3,158,000
National Wildlife Refuge Fund	5,760,000	5,760,000	5,760,000	---	---
Total, United States Fish and Wildlife Service	353,661,000	364,237,000	398,724,000	+45,063,000	+34,487,000
National Park Service					
Operation of the national park system	601,095,000	624,648,000	629,344,000	+28,249,000	+4,696,000
National recreation and preservation	10,377,000	9,543,000	11,690,000	+1,313,000	+2,147,000
Urban park and recreation fund	6,700,000	---	---	-6,700,000	---
Historic preservation fund	26,500,000	---	27,000,000	+500,000	+27,000,000
Visitors facilities fund	5,800,000	6,000,000	6,400,000	+600,000	+400,000
Construction	44,037,000	78,275,000	109,375,000	+65,338,000	+31,100,000
(Liquidation of contract authority)	(14,000,000)	---	---	(-14,000,000)	---
Land acquisition and state assistance	173,650,000	100,000,000	175,000,000	+1,350,000	+75,000,000
John F. Kennedy Center for the Performing Arts	4,542,000	4,621,000	4,621,000	+79,000	---
Total, National Park Service	872,701,000	823,087,000	963,430,000	+90,729,000	+140,343,000
Total, Fish and Wildlife and Parks	1,226,362,000	1,187,324,000	1,362,154,000	+135,792,000	+174,830,000
ENERGY AND MINERALS					
Geological Survey					
Surveys, investigations, and research	373,430,000	382,312,000	417,448,000	+44,018,000	+35,136,000
Total, Geological Survey	373,430,000	382,312,000	417,448,000	+44,018,000	+35,136,000
Minerals Management Service					
Leasing and royalty management	163,561,000	167,381,000	167,207,000	+3,646,000	-174,000
Bureau of Mines					
Mines and minerals	136,425,000	117,634,000	123,049,000	-13,376,000	+5,415,000
Office of Surface Mining Reclamation and Enforcement					
Regulation and technology	65,450,000	69,689,000	75,039,000	+9,589,000	+5,350,000
Abandoned mine reclamation fund (definite, trust fund)	271,228,000	291,701,000	307,031,000	+35,803,000	+15,330,000
Total, Office of Surface Mining Reclamation and Enforcement	336,678,000	361,390,000	382,070,000	+45,392,000	+20,680,000
Total, Energy and Minerals	1,010,094,000	1,028,717,000	1,089,774,000	+79,680,000	+61,057,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
INDIAN AFFAIRS					
Bureau of Indian Affairs					
Operation of Indian Programs	823,902,000	855,372,000	895,687,000	+71,785,000	+40,315,000
Construction	78,920,000	73,324,000	103,124,000	+24,204,000	+29,800,000
Road construction	4,000,000	---	1,000,000	-3,000,000	+1,000,000
Eastern Indian land claims fund	900,000	---	---	-900,000	---
Utah Paiute Trust Fund	---	---	2,500,000	+2,500,000	+2,500,000
Tribal trust funds:					
Definite amount	4,000,000	4,000,000	4,000,000	---	---
Indefinite amount	60,000,000	60,000,000	60,000,000	---	---
Revolving fund for loans (limitation on direct loans)	(13,075,000)	(16,100,000)	(16,100,000)	(+3,025,000)	---
Indian loan guaranty and insurance fund (limitation on guaranteed loans)	(19,000,000)	---	---	(-19,000,000)	---
Total, Bureau of Indian Affairs	971,722,000	992,696,000	1,066,311,000	+94,589,000	+73,615,000
TERRITORIAL AND INTERNATIONAL AFFAIRS					
Administration of territories	79,262,000	53,829,000	76,954,000	-2,308,000	+23,125,000
Trust Territory of the Pacific Islands	112,109,000	96,132,000	118,225,000	+6,116,000	+22,093,000
Total, Territorial Affairs	191,371,000	149,961,000	195,179,000	+3,808,000	+45,218,000
DEPARTMENTAL OFFICES					
Office of the Secretary	44,068,000	47,371,000	44,131,000	+63,000	-3,240,000
Office of the Solicitor	19,463,000	20,157,000	19,463,000	---	-694,000
Office of Inspector General	16,814,000	18,053,000	17,253,000	+439,000	-800,000
Construction Management	800,000	---	750,000	-50,000	+750,000
Office of the Secretary (Special foreign currency program)	420,000	---	---	-420,000	---
Total, Secretarial Offices	81,565,000	85,581,000	81,597,000	+32,000	-3,984,000
Total, title I, new budget (obligational) authority, Department of the Interior	4,018,642,000	3,982,588,000	4,341,839,000	+323,197,000	+359,251,000
(Liquidation of contract authority)	(14,000,000)	---	---	(-14,000,000)	---
TITLE II - RELATED AGENCIES					
DEPARTMENT OF AGRICULTURE					
Forest Service					
Forest research	108,555,000	103,070,000	120,710,000	+12,155,000	+17,640,000
State and private forestry	60,579,000	25,505,000	61,485,000	+906,000	+35,980,000
National forest system	888,506,000	1,036,959,000	1,041,459,000	+152,953,000	+4,500,000
Construction	251,724,000	253,898,000	260,798,000	+9,074,000	+6,900,000
Timber receipts transfer to General Fund	(-38,860,000)	(-90,095,000)	(-90,095,000)	(-51,235,000)	---
Timber purchaser credits	(240,000,000)	(286,226,000)	(196,226,000)	(-43,774,000)	(-90,000,000)
Land acquisition	38,552,000	9,635,000	64,000,000	+25,448,000	+54,365,000
Youth Conservation Corps	---	---	10,000,000	+10,000,000	+10,000,000
Acquisition of lands for national forests, special acts	780,000	782,000	782,000	+2,000	---
Acquisition of lands to complete land exchanges	20,000	20,000	20,000	---	---
Range betterment fund	4,028,000	3,665,000	3,665,000	-363,000	---
Miscellaneous trust funds	90,000	90,000	90,000	---	---
Total, Forest Service	1,352,834,000	1,433,624,000	1,563,009,000	+210,175,000	+129,385,000
DEPARTMENT OF ENERGY					
Fossil energy research and development	260,214,000	199,881,000	267,558,000	+7,344,000	+67,677,000
(By transfer)	(39,000,000)	---	---	(-39,000,000)	---
Naval petroleum and oil shale reserves	256,600,000	223,804,000	159,855,000	-96,745,000	-63,949,000
Energy conservation	431,131,000	390,077,000	485,494,000	+54,363,000	+95,417,000
Economic regulation	30,330,000	27,157,000	31,037,000	+707,000	+3,880,000
Strategic petroleum reserve	158,770,000	---	---	-158,770,000	---
SPR petroleum account	(650,000,000)	(1,889,550,000)	(2,351,400,000)	(+1,701,400,000)	(+461,850,000)
Energy Information Administration	55,870,000	57,863,000	62,057,000	+6,187,000	+4,194,000
Total, Department of Energy	1,192,915,000	898,782,000	1,006,001,000	-186,914,000	+107,219,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Health Services Administration					
Indian health services	770,408,000	741,950,000	817,992,000	+47,584,000	+76,042,000
Indian health facilities	53,595,000	---	96,137,000	+42,542,000	+96,137,000
Total, Indian health	824,003,000	741,950,000	914,129,000	+90,126,000	+172,179,000

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
DEPARTMENT OF EDUCATION					
Office of Elementary and Secondary Education					
Indian education	68,780,000	68,780,000	68,780,000	---	---
OTHER RELATED AGENCIES					
NAVAJO AND HOPI INDIAN RELOCATION COMMISSION					
Salaries and expenses	18,783,000	20,736,000	16,986,000	-1,797,000	-3,750,000
SMITHSONIAN INSTITUTION					
Salaries and expenses	155,263,000	170,682,000	171,699,000	+16,436,000	+1,017,000
Museum programs and related research (special foreign currency program)	7,040,000	9,000,000	9,000,000	+1,960,000	---
Construction and improvements, National Zoological Park	3,500,000	3,500,000	4,150,000	+650,000	+650,000
Restoration and renovation of buildings	9,000,000	13,750,000	13,750,000	+4,750,000	---
Construction (rescission)	-8,000,000	---	---	+8,000,000	---
Subtotal	166,803,000	196,932,000	198,599,000	+31,796,000	+1,667,000
Salaries and expenses, National Gallery of Art	34,639,000	36,121,000	35,603,000	+964,000	-518,000
Salaries and expenses, Woodrow Wilson International Center for Scholars	2,568,000	2,712,000	2,712,000	+144,000	---
Total, Smithsonian Institution	204,010,000	235,765,000	236,914,000	+32,904,000	+1,149,000
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES					
National Endowment for the Arts					
Grants and administration	118,900,000	101,000,000	127,750,000	+8,850,000	+26,750,000
Administrative expenses	13,100,000	15,375,000	16,368,000	+3,268,000	+993,000
Subtotal	132,000,000	116,375,000	144,118,000	+12,118,000	+27,743,000
Matching grants	30,000,000	27,500,000	30,882,000	+882,000	+3,382,000
Total, National Endowment for the Arts	162,000,000	143,875,000	175,000,000	+13,000,000	+31,125,000
National Endowment for the Humanities					
Grants and administration	97,750,000	79,250,000	100,982,000	+3,232,000	+21,732,000
Administrative expenses	12,750,000	14,225,000	13,982,000	+1,232,000	-243,000
Subtotal	110,500,000	93,475,000	114,964,000	+4,464,000	+21,489,000
Matching grants	29,500,000	32,000,000	30,036,000	+536,000	-1,964,000
Total, National Endowment for the Humanities	140,000,000	125,475,000	145,000,000	+5,000,000	+19,525,000
Institute of Museum Services					
Grants and administration	20,150,000	11,612,000	27,000,000	+6,850,000	+15,388,000
Total, National Foundation on the Arts and the Humanities	322,150,000	280,962,000	347,000,000	+24,850,000	+66,038,000
COMMISSION OF FINE ARTS					
Salaries and expenses	340,000	380,000	379,000	+39,000	-1,000
ADVISORY COUNCIL ON HISTORIC PRESERVATION					
Salaries and expenses	1,546,000	1,168,000	1,578,000	+32,000	+410,000
NATIONAL CAPITAL PLANNING COMMISSION					
Salaries and expenses	2,447,000	2,765,000	2,725,000	+278,000	-40,000
FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION					
Salaries and expenses	20,000	21,000	21,000	+1,000	---

Comparative Statement of New Budget (Obligational) Authority

	FY 1984 Enacted	FY 1985 Estimates	House	House Bill compared with Enacted	House Bill compared with Estimates
PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION					
Salaries and expenses	2,275,000	2,330,000	2,229,000	-46,000	-101,000
Public development	9,600,000	4,500,000	4,500,000	-5,100,000	---
Total, Pennsylvania Avenue Development Corporation	11,875,000	6,830,000	6,729,000	-5,146,000	-101,000
FEDERAL INSPECTOR FOR THE ALASKA GAS PIPELINE					
Permitting and enforcement	2,963,000	2,934,000	1,430,000	-1,533,000	-1,504,000
UNITED STATES HOLOCAUST MEMORIAL COUNCIL					
Holocaust Memorial Council	1,853,000	2,051,000	1,976,000	+123,000	-75,000
Total, title II, new budget (obligational) authority, related agencies	4,004,519,000	3,696,748,000	4,167,657,000	+163,138,000	+470,909,000
Consisting of:					
Appropriations	4,012,519,000	3,696,748,000	4,167,657,000	+155,138,000	+470,909,000
(SPR petroleum account)	(650,000,000)	(1,889,550,000)	(2,351,400,000)	(+1,701,400,000)	(+461,850,000)
RECAPITULATION					
Total, new budget (obligational) authority, all titles	8,023,161,000	7,679,336,000	8,509,496,000	+486,335,000	+830,160,000
Consisting of:					
Appropriations	8,031,161,000	7,679,336,000	8,509,496,000	+478,335,000	+830,160,000
Rescissions	-8,000,000	---	---	+8,000,000	---
(Limitation on direct loans)	(13,075,000)	(16,100,000)	(16,100,000)	(+3,025,000)	---
(Limitation on guaranteed loans)	(19,000,000)	---	---	(-19,000,000)	---
(By transfer)	(39,000,000)	---	---	(-39,000,000)	---
(Timber receipt transfer to general fund)	(-38,860,000)	(-90,095,000)	(-90,095,000)	(-51,235,000)	---
(Timber purchaser credits)	(240,000,000)	(206,226,000)	(196,226,000)	(-43,774,000)	(-90,000,000)
(Liquidation of contract authority)	(14,000,000)	---	---	(-14,000,000)	---
(SPR petroleum account)	(650,000,000)	(1,889,550,000)	(2,351,400,000)	(+1,701,400,000)	(+461,850,000)
TITLE I - DEPARTMENT OF THE INTERIOR					
Bureau of Land Management	537,528,000	538,389,000	546,824,000	+9,296,000	+8,515,000
United States Fish and Wildlife Service	353,661,000	364,237,000	398,724,000	+45,063,000	+34,487,000
National Park Service	872,701,000	823,087,000	963,430,000	+90,729,000	+140,343,000
Geological Survey	373,430,000	382,312,000	417,448,000	+44,018,000	+35,136,000
Minerals Management Service	163,561,000	167,381,000	167,207,000	+3,646,000	-174,000
Bureau of Mines	136,425,000	117,634,000	123,049,000	-13,376,000	+5,415,000
Office of Surface Mining Reclamation and Enforcement	336,678,000	361,390,000	382,070,000	+45,392,000	+20,680,000
Bureau of Indian Affairs	971,722,000	992,696,000	1,066,311,000	+94,589,000	+73,615,000
Territorial and International Affairs	191,371,000	149,961,000	195,179,000	+3,808,000	+45,218,000
Secretarial Offices	81,565,000	85,581,000	81,597,000	+32,000	-3,984,000
Total, Title I - Department of the Interior	4,018,642,000	3,982,588,000	4,341,839,000	+323,197,000	+359,251,000
TITLE II - RELATED AGENCIES					
Forest Service	1,352,834,000	1,433,624,000	1,563,009,000	+210,175,000	+129,385,000
Department of Energy	1,192,915,000	898,782,000	1,006,001,000	-186,914,000	+107,219,000
Indian Health	824,003,000	741,950,000	914,129,000	+90,126,000	+172,179,000
Indian Education	68,780,000	68,780,000	68,780,000	---	---
Navajo and Hopi Indian Relocation Commission	18,783,000	20,736,000	16,986,000	-1,797,000	-3,750,000
Smithsonian	166,003,000	196,932,000	198,599,000	+31,796,000	+1,667,000
National Gallery of Art	34,639,000	36,121,000	35,603,000	+964,000	-518,000
Woodrow Wilson International Center for Scholars	2,568,000	2,712,000	2,712,000	+144,000	---
National Endowment for the Arts	162,000,000	143,875,000	175,000,000	+13,000,000	+31,125,000
National Endowment for the Humanities	140,000,000	125,475,000	145,000,000	+5,000,000	+19,525,000
Institute of Museum Services	20,150,000	11,612,000	27,000,000	+6,850,000	+15,388,000
Commission of Fine Arts	340,000	380,000	379,000	+39,000	-1,000
Advisory Council on Historic Preservation	1,546,000	1,168,000	1,578,000	+32,000	+410,000
National Capital Planning Commission	2,447,000	2,765,000	2,725,000	+278,000	-40,000
Franklin Delano Roosevelt Memorial Commission	20,000	21,000	21,000	+1,000	---
Pennsylvania Avenue Development Corporation	11,875,000	6,830,000	6,729,000	-5,146,000	-101,000
Federal Inspector for the Alaska Gas Pipeline	2,963,000	2,934,000	1,430,000	-1,533,000	-1,504,000
Holocaust Memorial Council	1,853,000	2,051,000	1,976,000	+123,000	-75,000
Total, Title II - Related Agencies	4,004,519,000	3,696,748,000	4,167,657,000	+163,138,000	+470,909,000
Grand total	8,023,161,000	7,679,336,000	8,509,496,000	+486,335,000	+830,160,000

□ 1640

Mr. McDADE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am honored, indeed honored to present to the House for its consideration H.R. 5973, making appropriations for the Department of Interior and related agencies.

And I would like to take a moment to commend my friend, my good friend, the chairman of the subcommittee from Illinois who does an excellent job in conducting these hearings and spends countless hours in trying to fashion a bill.

Let me also say that the members of the subcommittee who are privileged to serve on this important appropriations committee have all, each of them, on both sides of the aisle, done an extraordinary job in helping to craft with their own impact a bill that advances the cause of protection and preservation of our natural resources, our cultural resources, and our energy resources in this great Nation of ours.

And I cannot let the moment pass without paying tribute to the staff on both sides of the aisle who do such an excellent job, and without whose able day-to-day assistance we probably could produce no bill. They have worked with great professionalism and skill.

So I say to my colleagues that I am indeed honored to have an opportunity to present this bill. I want to say at the outset that it is of course a tragedy that the bill as reported is not going anywhere. The bill that is presented to you today is veto bait.

Am I being a good soldier for the administration? I think I am being a good soldier for our country when I say we can balance the fiscal needs of this Nation with the resource needs of this Nation.

This bill is so far over, as it comes to you today, that it does not have the slightest chance of being passed and written into law.

That is why I will offer, at an appropriate time, a percentage cut that will attempt to exercise some restraint at a time of incredible deficits in this Nation, at a time when the economy is taking off and we want to see that economic picture in this country preserved.

My dear friend, my good friend from Illinois, may not believe that the White House ought to have a say in what the final numbers ought to be, but the fact is that they do.

And if we want to get a bill, and I do, then we have got to at least accommodate our desires to their desires and produce a compromise.

We need to have a compromise. And I hope we will because this is a tremendously important bill. It has been my privilege to serve on this subcommittee for about 20 years of my congressional experience.

The bill has about $8.5 billion in new budget authority in it. And in order to try to make it a little bit easier for the Members to understand, I would like to break it down to the categories.

Under the natural resources section of our bill, I include here the Bureau of Land Management, Fish and Wildlife Service, National Park Service, U.S. Forest Service, we are recommending in the neighborhood of $3.4 billion.

In the area of our Indian trust responsibilities, covering Indian health, our territories, Indian education, the recommendation is about $2.2 billion. I want to pause a moment here to pay tribute again to my friend from Illinois who spends a great deal of time, largely unnoticed trying to make sure that those needs are met and the subcommittee spends a great deal of time trying to make sure that it is done properly.

In minerals and lands we are funding in this bill just over $1 billion for the Geological Survey, the Bureau of Mines, Office of Surface Mining and the Mineral Management Service, all of them terribly important to the welfare of the Nation.

In our energy conservation accounts we are funding money for fossil and conservation accounts and for the Naval Petroleum Reserve to try to give us some kind of a Band-Aid assurance that if we do have an interruption someplace around the globe we will have some kind of an energy supply in this country available.

That is what the function of the petroleum reserve is, as you know. That account comes to $2,351,400,000 for the purchase of oil, which is off-budget in this bill, and for which, over the years, we have provided billions of dollars to fund the petroleum reserve which will contain 430 million barrels by the end of fiscal year 1984.

A word, and an important word about our cultural resources. You will be asked to pass on about $600 million in cultural resources in this bill, items such as historic preservation and the Smithsonian Institution. I think last year the Smithsonian Institution had about 30 million visitors. What a great resource it is for this Nation.

In addition to that, the National Art Gallery has priceless treasures, the Woodrow Wilson Scholarship Foundation, and the Endowment for the Arts and Humanities. This bill was called years ago by a man who was the chairman, an all-American bill, and it is.

If you happened to pick up the paper today, you might have noticed that over 7,000 people paid to go to Wolf Trap last night to watch the reopening of that magnificent theater that was donated by Mrs. Shouse and ably managed by Carol Harford; 7,000 people listened to Placido Domingo.

The operations of that theater are funded here. If you want to go to the east coast or the west coast, you would find two national seashores, Gateway on one side and another one on the other side of the Nation where they provide about 27 million visitations a year to citizens of this Nation who want to find some respite from the difficulties that face them every day.

This bill protects the seashores around the Nation, not to mention the incredible treasures that we call the National Park Service.

Years ago, a magnificent former Member by the name of Ben Reifel served on this committee. Ben was an amazing man, a man born on an Indian reservation in grinding poverty who educated himself. I think he ended up with a doctorate from Harvard, spent years in the BIA, and then his happiest times were times that he shared with us as a Member of this body.

He brought an incredible amount of wisdom to this bill. I remember on one occasion he went through an exercise in trying to set a capitalized value on Yosemite National Park. It was hard to arrive at a value for something so intrinsically magnificient as Yosemite but he tried to do it.

I remember the figures spinning out into the billions of dollars in that hypothetical exercise. The purpose of it was really just to try to let the membership know about some of the magnificient assets that we have.

I am proud to say that the man whose concept originated the U.S. Forest Service was a citizen of my district; Mr. Gifford Pinchot, who had been Governor of Pennsylvania and was recruited to come to Washington by President Theodore Roosevelt who had to invent a title for him, Chief Conservation Officer of the United States of America. That induced Gifford Pinchot to come to Washington to work in the White House.

He gifted the Nation with the concept that is the National Forest Service. It produces billions of dollars in income to the Treasury, provides huge amounts or our wood fiber products needs in the country, provides habitat and water resources, habitat for countless species of resources that exist in this country.

You know we talk so much sometimes about our failures; sometimes we ought to talk about our successes. The National Georgraphic just did a "look" at the animal population of this Nation. And they concluded that as a result of wise stewardship on the part of this Nation, there are more deer and elk in this Nation than there were in 1900; there are more today because of wise management.

□ 1650

Part of that was the foresight of Gifford Pinchot. All of these things

are rolled into and funded into this bill.

Of course I am honored to have an opportunity to present it as I have for some time. Of course I am deeply committed to the programs that exist in this bill, and I hope to see us eventually reform it in a way that will see it enacted into law.

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield 7 minutes to the gentleman from Connecticut [Mr. RATCHFORD].

Mr. RATCHFORD. Mr. Chairman, I rise in support of the report from the Appropriations Committee and specifically the bill as developed, as worked on, as presented by the Subcommittee on Interior.

First of all, I would like to applaud both the chairman and ranking member for their approach to this bill. They have indeed been a joy to work with, open, available, accessible, at all times holding the public interest out before any other considerations. I am certain that if not today or tomorrow or Thursday, certainly by the time we reach conference that there will be an agreement between the gentleman from Illinois and the gentleman from Pennsylvania that will represent the best interests not ony of the committee, but of these entire United States, because that has been their approach to this legislation.

This bill as offered today addresses the highest priorities of the country as it relates to our environment, as it relates to our natural resources, as it relates to energy development.

I think it also provides the type balance necessary between environment and energy policies. And that, after all, ought to be one of the main responsibilities in this area. Preservation of the environment, yes, but concern for energy independence at the same time.

There are two particular areas of concern that obviously I think demand our attention. One is the whole question of conservation and development of new energy techniques. This bill is particularly strong in the area of research for fossil energy and the development of new alternatives. It looks with great concern and emphasizes with high priority the need to get out our coal resources that are the richest in the world. The need to come up with the means of coming up with coal liquification and gasification that can produce energy in a clean form. The need to preserve and stretch out and maximize our oil resources. And, yes, the need to continue to provide in an inexpensive form the natural gas resources which are so extensive in this country.

Second, in this balancing area we need to point to the fact that this committee again has gone out of its way to provide the financial wherewithal for the development of alternative means of energy.

This bill in its alternative area, in the area of alternative energy, is $68 million above the budget request, is $7 million above current levels of spending and is a beacon as far as the commitment that Congress is prepared to make in our continuing effort to strive for, and, yes, to achieve energy independence. This is particularly so in several key areas.

One is the development of fuel cells and, being from the State of Connecticut I am proud of the fact that Connecticut, is heavily involved in this effort. Were it not for the funds provided, were it not for the funds authorized, were it not for the appropriation that this committee, through the full committee and with the backing of the Senate, provided, we simply would not be moving forward in a fuel cell area in the way that we need to.

We would not be moving forward also—and that is provided in this bill—in the area of coal liquification, gasification and new combustion systems. All of this out there as a result of this committee saying, both the subcommittee and the full committee, that there must be a commitment to energy independence in this country.

Also in this area is the critical continuing commitment to conservation. The funding is in there for good conservation practices, not only in the homes of middle America, but in our schools, our hospitals, and our commercial buildings.

Another area that needs to be looked at is the whole question of energy independence, but energy independence balanced with environmental concerns. That is the whole issue of offshore drilling.

This committee has shown a sensitivity in this area. In fact, two areas where either a moratorium existed or there was a discussion of a moratorium, we have seen a hammering out of the problems and a lifting of the moratorium.

One of those would be in the Florida area, another would be in the moratorium proposed or discussed in the Alaskan area.

So this committee has shown it is not just for blanket prohibitions in these areas, but is sensitive to the ability to come up with a balance. That balance has still not been achieved in two areas where the committee recommends to the Congress the continuation of a moratorium. That is California and the Georges Bank area off the coast of Massachusetts. There are still major unresolved issues in these areas.

Therefore, we propose a continuation of a moratorium.

I am from the State of Connecticut. We know that our entire area looks to the area off Cape Cod, the area known as Georges Bank, not only for recreational purposes, but looks to it as the richest area of fishing off the east coast of the United States.

Until the State of Massachusetts and the Federal Government are able to get together to resolve the differences there as to where the drilling should take place, how extensive the drilling should be, I think the moratorium ought to be continued.

We are talking again of the richest fishing area off the east coast. We are talking areas that are rich as far as their lobstering grounds are concerned and areas that need to be protected from excessive development.

I think if we keep the pressure on in the form of a moratorium, we say both to the Governor of Massachusetts and the Interior Department, resolve your problems, define this area more precisely, protecting the fishing interest, but move forward.

I think this is what this moratorium does.

So I applaud the gentleman from Illinois. I applaud the gentleman from Pennsylvania. I would suggest that we have come forward with a balanced bill, a bill that addresses not only enviromental concerns, but is sensitive to energy independence and we have come forward with a bill that I suggest ought to have the support overwhelmingly of the Members of this House.

I thank the chairman for his time.

Mr. McDADE. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. CONTE], the distinguished ranking member of the committee.

Mr. CONTE. Mr. Chairman, I rise in support of H.R. 5973, the fiscal year 1985 appropriations bill for the Department of the Interior and Related Agencies. I would like to commend the chairman of the subcommittee, Mr. YATES, the ranking minority member, Mr. McDADE, and all the members of the subcommittee for their hard work and willingness to compromise on many difficult issues which arose during the hearings and markup of this bill.

The most difficult issue of all, in my opinion, has been the issue of rescinding funds for the Synthetic Fuels Corporation.

At the appropriate time, I will be offering an amendment to rescind $10 billion in funds that were previously appropriated for the Synthetic Fuels Corporation. The time has come to trim the sails of this misguided missile.

The mismanagement of the Synthetic Fuels Corporation has been well documented. My colleagues are well familiar with the extravagant entertainment, lavish offices, and outrageous salaries provided for the officers and Directors of the Synthetic Fuels Corporation. The first President of the Synthetic Fuels Corporation resigned in the midst of controversy. His

successor was found guilty of ethics violations and resigned from office. Charges about conflicts of interest and sweetheart contracts have surrounded the Synfuels Corporation since its beginning.

In the midst of these charges, resignations have resulted in five vacancies on the seven-member Board of Directors, leaving the Synfuels Corporation without a legal quorum. Unable to do business, the Chairman of the Board, Edward Nobel, has nevertheless continued to sign letters of intent for projects of questionable value.

The intent of Congress in creating the Synthetic Fuels Corporation was to provide support for the demonstration of commercially viable synfuels technologies that would not otherwise be adequately tested. Instead of supporting a wide range of technologies, the Corporation has focused large sums of money on a few hopeless technogies and ignored the more promising ones. The continuation of the status quo, or a token spending cut as some have proposed, will waste billions and billions of dollars on technologies that are inefficient, uneconomic, and environmentally unsound.

So far, $3.1 billion have been committed by the Corporation for the construction of four synfuels facilities. Two other projects are being build without Federal funds. Passage of a $10 billion rescission will leave about $3 billion for additional projects, enough to provide limited funding to a variety of projects aimed at developing the information and infrastructure base needed for the orderly development of the synfuels industry.

Mr. Chairman, this bill provides $8.5 billion in new budget authority to maintain, cultivate, preserve and manage our Nation's vast cultural, natural and energy resources. The level of funding which we have recommended is some $830 million, or 10.1 percent over the President's request and $486.3 million over the fiscal year 1984 enacted level.

In a letter to me dated July 25, our good friend, the young slasher, states that the bill is $470 million over the deficit downpayment cap. He states that the bill in its present form is "unacceptable" for several reasons which include the increases which the committee has recommended for authorized land acquisitions, Indian health services, energy research and development, State and local energy conservation programs, and a fill rate of 186,000 barrels per day for the strategic petroleum reserve. I will submit the entire text of his letter for the RECORD.

Mr. Chairman, our committee's recommendations clearly reflect a total increase of 10 percent over the President's request. But we have determined, as a result of 13,000 pages of testimony which we received from 800 witnesses during 43 days of hearings that these levels of funding are required for the Department of the Interior and its 16 related agencies in fiscal year 1985.

I support this Interior appropriations bill for the programs, projects and activities which it funds, and for the revenues which the continued operation of several of these programs will generate.

Our natural and cultural resources are our national treasures. Because they are precious to this Nation, and because they are irreplaceable, they demand and merit a continued Federal investment. I feel that it is particularly important to remind my colleagues that the investments which we make in many of these programs return money to the U.S. Treasury.

In fiscal year 1983, $14.4 billion in receipts were generated from the Department of the Interior, Forest Service, and Naval Petroleum Reserve activities. Estimated receipts for fiscal year 1984 are $13 billion, and for fiscal year 1985, $12 billion.

The management of Federal lands involves activities which range from land acquisition to the acceleration of existing as well as new recovery plans for threatened and endangered species. Of the $549 million recommended from the Bureau of Land Management, I am particularly pleased by the inclusion of $12.7 million for wildlife habitat management, funds which will allow the Bureau to proceed with full implementation of recovery plans for 26 threatened and endangered species. We have also recommended $27.3 million for endangered species in the Fish and Wildlife Service account, and have added $2 million to the President's request to accelerate recovery plans in the Forest Service account.

Among the actions recommended by the committee to protect and preserve our fishery and wildlife resources are $4.8 million for the cooperative fishery and wildlife research units program, $9 million for the migratory bird conservation advance loan account, the restoration of operational funding for the Berkshire National Fish Hatchery and six other hatcheries which had been proposed for closure, $45,000 for the continuation of the guard dog program at Hampshire College, and $500,000 to begin planning and design for an anadromous fish research laboratory on the Connecticut River, the next important step in the restoration effort which is underway in the Northeast.

For the National Park Service, the committee has recommended $963.4 million. Included in this total are $1 million for State and local river conservation assistance, $27 million for the historic preservation fund, and $12.9 million for the Lowell National Historical Park.

For the Forest Service, the committee recommends, and I strongly support the provision of $2.7 million for the continuation of gypsy moth research and $3.6 million for urban forestry.

The committee's recommendation of $1 billion for the Department of Energy includes the provision of $24 million for State EPCA grants, $50 million for schools and hospitals, and $200 million for weatherization.

Just as important as the preservation and management of our natural resources is the preservation and management of our cultural resources.

To this end, the committee has included $236.9 million for the Smithsonian Institution, and $347 million for the National Foundation on the Arts and Humanities.

The committee has reached agreement on several complex and divisive issues, particularly on the issues of outer Continental Shelf oil and gas lease sales, coal leasing, and the strategic petroleum reserve. So that we may send our ninth fiscal year 1985 appropriations bill to one other body with our carefully crafted and responsible recommendations on these issues and programs, I urge my colleagues to support this bill.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I rise in strong support of the bill, H.R. 5973.

Mr. Chairman, the distinguished chairwoman of the Government Operations Subcommittee on Government Activities and Transportation on which I proudly serve, is unable to be present today, due to official business. Chairwoman COLLINS has asked that I present on her behalf the following statement concerning the NEH appropriation section contained in H.R. 5973.

Chairwoman COLLINS statement reads as follows:

Mr. CHAIRMAN. On July 25, 1984, the House Government Activities and Transportation Subcommittee, which I chair, held hearings on defiance of the National Endowment for the Humanities (NEH). The 1964 Civil Rights Act, as amended, requires 110 Federal agencies, including NEH, to file annually with the Equal Employment Opportunity Commission affirmative action plans including recruiting and hiring goals, and timetables.

The Chairman of NEH, Dr. William Bennett, refuses, notwithstanding his oath of office, to file this document. This defiance to comply with the Federal law has prompted the Department of Education, the Department of Justice, and the Federal Trade Commission to join NEH in its stance.

The unwillingness of NEH to comply with the EEOC filing requirement for goals and timetables is simply a mask concealing the fact that NEH's affirmative action program is a sham.

The figures reveal that although 68 percent of the agency's workforce is female, 63.8 percent of these women are clustered at jobs ranking at GS-11 or below. Similarly, blacks constitute 26 percent of the total workforce but only 7 of the agency's black workers hold the rank of GS-11 or above (or less than 3 percent of the agency's total workforce of 262).

My esteemed colleague, Rep. Sidney Yates of Chicago, is the manager of the House Interior Appropriations Bill, H.R. 5983, which goes to the floor today. It will include funding for $145 million for the National Endowment for the Humanities for Fiscal Year 1985.

At March 29 hearings, Mr. Yates questioned NEH on why the agency's workforce is so heavily composed of women and blacks in lower GS-level positions. Following my hearing, I initially decided to offer an amendment to NEH's appropriation conditioning the funds upon agency compliance with its affirmative action requirements. Following discussions with Mr. Yates, I have agreed to refrain, to allow NEH to voluntarily comply and immediately improve its hiring of women and minorities in the upper ranks of its agency.

However, through my oversight subcommittee, I intend to monitor closely NEH and its compliance with the EEOC annual goals and timetables directives. As an agency head who takes an oath of office to uphold the Federal laws, Dr. Bennett does not have the option to pick and choose which laws he will obey. Thus, should the agency continue to defy the law, my subcommittee will take whatever steps are required to recommend that release of NEH funds for Fiscal Year 1986 be contingent on full agency compliance with our nation's civil rights laws.

We further plan to act upon the suggestions offered by EEOC Chairman Thomas that Congress enact effective sanctions for those agencies which believe they have risen above the reach of Federal law.

Thank you very much, Mr. Chairman.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I want to take this opportunity to commend the Appropriations Committee and especially our colleague Chairman SID YATES for the excellent work he and the committee have done in bringing to the floor an Interior appropriations bill that represents a sound long-term investment in both the use and preservation of our natural resources.

Once put in place, legislative policy must be followed through to insure its proper implementation. These concerned about our natural resources have a real friend in Chairman SID YATES. Representative YATES has been extraordinary in his willingness to take the time needed in seeing that natural resources policy is brought to successful fruition. Excellent examples of this diligence are found in H.R. 5973's funding of Federal natural resource programs within the State of Minnesota.

The success of the Boundary Waters Canoe Wilderness Act of 1978 is due in no small measure to the willingness of the committee to follow up year after year in fulfilling the laws commitments on land acquisition and forestry programs. I am especially appreciative of the committee's inclusion of $150,000 to complete the metropolitan river corridor study. This study of the Mississippi, Minnesota, and St. Croix Rivers, 2 years in the making, will provide important information on the management strategies needed to effectively preserve and enhance these magnificent resources. Within the Twin Cities metropolitan river corridor there exists a Federal wild and scenic river, a national wildlife refuge, and numerous Corps of Engineers projects. Such multifaceted use, if it is to be effectively managed, demands a framework based upon cooperation and consultation. This river study provides just such a framework.

The foresighted actions we take today in providing for the needs of our natural resource base will reap numerous benefits in the future. I commend the committee for their work in this area.

Mr. McDADE. Mr. Chairman, I yield 10 minutes to my distinguished colleage, the gentleman from Ohio [Mr. REGULA], a very able member of the subcommittee.

Mr. REGULA. Mr. Chairman, this is a bill that is a labor of love for those of us who serve on the subcommittee. It deals with one of the most priceless things that are part of these United States, and that is the land resources.

Most people do not realize that over one-third of the U.S. land surface is controlled and owned by the Federal Government and it is the management of that land resource that is the responsibility of this subcommittee.

In addition to the one-third of America is onshore lands, the Government also manages a substantial portion of U.S. offshore lands which hold valuable oil and gas resources. I want to discuss that briefly today.

Before getting into that, I would commend the chairman and the members of the staff for excellent work and especially the ranking member of the subcommittee, our good friend from Pennsylvania [Mr. McDADE].

□ 1700

JOE has probably set a record for service on this committee. He has been a Member of this subcommittee for over 20 years and he certainly has served in the tradition of a predecessor from his area, Giffort Pinchot. He has brought to this responsibility care and love for America's precious land resources.

During my service I have always admired and been pleased with the way our colleague has fought to preserve the best of these United States, and to manage these lands well. I think evidence of the success of this management is the fact that if you look in the report you will note that Federal lands will produce over $12 billion in revenues for the national Treasury in fiscal year 1985, and the cost of this bill is only about $8.5 billion. So it means a net of about $4 billion flowing to our Treasury. This results, of course, from the forest timber receipts, as well as the management of the lands and the offshore leasing activities.

I was interested, coming from an inland State, Ohio, to note in our most recent constituent questionnaire, the results of one question. We included a question asking how many of those who responded had ever visited a national park. To my surprise, in Ohio, at least in the 16th District, over 76 percent of the respondents said that they had, at one time or another, visited a national park. I think that is eloquent testimony to the tremendous value of our National Park System, and why it is very important that we manage this resource carefully.

I would like to discuss briefly the policy implications of the moratorium that is provided in this bill. You might be interested in knowing that we have increased the amount of territory covered by these leasing bars from 786,000 acres in fiscal year 1982 to more than 52 million acres in fiscal year 1984. This represents a dramatic increase, almost 50 million acres, that have been put under a moratorium in the past 2 years. The bill before you today would prohibit leasing in areas off the coast of California and in the North Atlantic.

I would draw your attention to the fact that in 1978, when we were concerned about the energy resources available to our Nation, we mandated a 5-year program of offshore leasing. This body said to the Department of Interior, "Get moving, get these lands leased so that we can have access to this resource that is so vital to our own energy independence."

The Outer Continental Shelf Lands Act approved by this body by a vote of 338 to 18, mandated the Department of Interior to engage in, and I quote from the bill:

> Expedited exploration and development of the OCS, in order to assure national security, reduce dependence on foreign sources and maintain a favorable balance of payments in world trade.

Now, of course, with today's energy surplus situation, we have tended to think that this is not a problem for the future. But, I would say to you that I think, as we look down the road, we need to be concerned about energy security.

The United States is a huge energy consumer. The United States is the largest per capita user of energy in the world, because of the size of our economy, because of the lifestyle in the United States; therefore, it is important that we look to the future in de-

veloping a precious resource that is available to us in the offshore lands in the Outer Continental Shelf.

The technology particularly relating to safety and environmental protection, has improved tremendously over the last several years. If you look at the record of oil spills, the OCS program certainly has been far better than tankers or other techniques that are used to get energy to our shores.

The Federal Government controls about 97 percent of the Outer Continental Shelf that could be drilled. Therefore, the policy of this body becomes very important as we restrict that through legislative action. It has been estimated that the offshore lands hold one-third to one-half of all of the future reserves of this Nation. To date, only 2 percent of the Federal offshore lands have been leased. So I think the policy that we establish becomes quite important.

To illustrate the impact of our program in the United States, production from OCS lands dropped from 780 million barrels in 1971 to 450 million in 1982. At the same time, OCS production from the rest of the free world has been going up. We have, of course, the development off the coast of the United Kingdom, and we have the Norwegian development. Today the United States share of worldwide offshore production has shrunk from 21.7 percent in 1970 to only 7.6 percent in 1980. As a nation, our share of this resource is dropping.

I am afraid we may have a false sense of security because, at this point there is an oversupply of oil in the world and, therefore, the concern for developing the energy resource is not as great. However, I would point out to my colleagues here today, that there is a long leadtime in developing offshore reserves. It takes about 10 years from the time we initiate an action until oil is finally produced. Today, imports are at 1973 levels, but as the economy grows stronger, as we improve the quality of life in this Nation, we will depend even more on energy resources. Therefore, in view of that, I think it is important that we look to the future to ensure that we do develop this OCS resource to the best advantage for the people in the United States.

Last year we imported one-third of our consumption of petroleum reserves at a cost of $52 billion. This represents about three-quarters of the 1983 balance-of-payments deficit.

If we could reduce our dependence on imports, it would add to our own security, both from the standpoint of military security, as well as economic security. To say the least, the Persian Gulf is somewhat unstable, and to depend on this area too much I think is jeopardizing our position in the world.

Most of us do not realize that in the midseventies the United States entered into the International Energy Agency [IEA] agreements. What the result of this is, is a sharing of responsibility. This agreement provides that we must share with our allies our own resources in the event there is a shutdown of the Persian Gulf.

So to live in a fool's paradise of saying. "Well, what happens in the Persian Gulf is of no great concern to us because we do not depend on that as much as Japan or Europe," is not quite the situation.

If there were to be a destabilization of the Persian Gulf, and if this supply of energy were to be jeopardized, the United States, under the IEA agreement would be required to give a portion of our resources to our allies to maintain an equality of economic activity. Therefore, it becomes even more important that we not only develop the resources on the Outer Continental Shelf, but also that we have an ongoing Synthetic Fuels Program and that we strengthen our conservation activities so that we can be prepared for any eventuality.

It is interesting to note that to date over 27,000 wells have been drilled on the Outer Continental Shelf under the auspices of the Department of Interior, and out of those 27,000 wells there has been only one major spill in United States waters, and that was in 1969 in Santa Barbara.

I might say the United States probably has the best record of any nation in the world in terms of restrictions and a requirement for a high degree of safety and environmental technology, so that the level of spills has been very low.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. REGULA] has expired.

Mr. McDADE. Mr. Chairman, I yield 1 additional minute to the gentleman from Ohio.

Mr. REGULA. As a matter of fact, when the *Argo Merchant* spilled off the coast of Nantucket, there was more oil spilled, three times as much, from one tanker, as we have had in the 10 years of offshore exploration and production in the Outer Continental Shelf.

I do not propose to offer any amendments on the moratorium provisions in this bill, but I think it is important that this body recognize, for the future, that we need to take a new look at the Outer Continental Shelf program. We must ensure that we have an orderly, safe, careful development of this resource, so that we do not face a crisis as we did in the late 1970's when we did mandate that drilling go forth in the quickest possible way.

□ 1710

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this time I yield to the gentleman from New York [Mr. GILMAN].

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

Mr. Chairman, I had planned to offer a limitation amendment to the pending legislation, which would have stipulated that none of the funds in this bill may be expended for the acquisition of land in that portion of the upper Delaware River in New York so designated by section 3(a)(19) of the Wild and Scenic Rivers Act. However, with the indulgence of the distinguished chairman of the subcommittee, the gentleman from Illinois [Mr. YATES], I would like to engage in a colloquy with him and with my colleague from New York [Mr. McHUGH] and my colleague from Pennsylvania and the ranking minority member of the subcommittee, Mr. McDADE.

As many of us know, section 705 of the National Parks and Recreation Act of 1978 designated the upper Delaware River as part of the Wild and Scenic River System. As enacted, it was a significant departure from previously used planning and management approaches to conserve an important landscape. The inherent purpose of the upper Delaware legislation at that time was to preserve and protect the rural character of the region, and the natural beauty of the valley. A partnership of governments was established; it encompasses local, State, county, and Federal officials, and was meant to emphasize the local aspects more than the frequently overwhelming Federal role. However, as management plans have been drawn up, it has become increasingly clear that there is much concern, misinformation, and innuendo, and that the people of the upper Delaware River region in New York have expressed fears that their local voice has been substantially diminished, and that their homes and livelihoods are in peril.

The enabling legislation authorizes the Secretary of the Interior to acquire an initial 450 acres of land. If the management plan approved by the Secretary stipulates an addition, the Secretary could acquire another 1,000 acres. And if the Secretary finds that local land use plans and laws are not in conformance with the management plan—which should have been agreed to by this consortium of governments to begin with—then the Secretary has the right to acquire even more land, up to 100 acres per mile on both the New York side of the river as well as on the Pennslylania side. A number of public hearings have been held, including one that I chaired that was attended by the National Park Service representatives and some of my col-

leagues. The last meeting, held in March, was attended by a significant number of constituents, and was much needed insofar as it brought many people face to face with one to clarify the issues. However, there are still some lingering doubts. Boundaries remain uncertain, as well as the amount of land the National Park Service intends to acquire. Each plan has been different, and fears have been compounded.

I would like to ask the chairman of the subcommittee several questions about the funds allocated in this measure:

One. How has been allocated for land acquisition by the Park Service?

Mr. YATES. The answer to the question is $175 million.

Mr. GILMAN. I thank the chairman. If the chairman would further yield, have these funds been earmarked at all?

Mr. YATES. Yes, they have. Approximately $100 million is earmarked for specific Federal land acquisition projects around the Nation and the gentleman should know that no funds have been allocated for the acquisition of land in the upper Delaware.

Mr. GILMAN. I think our residents would be pleased to know that.

If the chairman would further yield, could he tell us how the remainder of the funds will be allocated?

Mr. YATES. Approximately $73 million have been allocated to the States.

Mr. GILMAN. If the chairman would further yield, is there any indication as to how much of these funds would be received by the State of New York, and for what purposes would New York State be using these funds?

Mr. YATES. We do not know how much New York would get under the allocation. New York would use their funds on a matching basis to carry out their State comprehensive outdoor recreation plan for acquisition of parkland or development of existing recreation lands. It would not be used for Federal land acquisition.

Mr. GILMAN. I thank the chairman for these clarifications.

Might I ask further that although there is no line item in the bill for land acquisition funds for the upper Delaware River, should the National Park Service wish to go ahead with the management plan, would they have to come to your subcommittee for additional funds?

Mr. YATES. The answer to that question is "Yes."

Mr. GILMAN. I think all of us engaged in this discussion today are concerned that there not be any arbitrary acquisition by the National Park Service. Could I have the chairman's assurance that there will be a full opportunity for all of us who are involved with this problem to be heard before the subcommittee should the National Park Service approach Congress for additional funds?

Mr. YATES. The gentleman has my assurance that will take place.

Mr. GILMAN. I want to thank the distinguished chairman. I know those of who are concerned with this project wanted to make certain that Congress does have appropriate oversight in this matter. This affects residents in my district in the State of New York as well as those of Mr. McHUGH's and Mr. McDADE's in the State of Pennsylvania.

It is important that Congress remain involved in this issue throughout the process.

Mr. Chairman, because I do not wish to establish any untimely precedent in the matter by offering my amendment, I intend to withdraw it at this time.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Chairman, the President's budget for Forest Service activities called for cutbacks in forest research. I note that the committee report accompanying this appropriations bill states that the committee takes issue with this proposal, calling the rationale use "unclear and unjustified."

Among other cutbacks, the administration proposed the elimination of the forest research facility at the University of Missouri in Columbia, MO, and the transfer of some personnel positions and funds to other facilities. The committee specifically rejected this proposal, and as a strong supporter of the research facility I appreciate your action.

For the purposes of clarification, Mr. Chairman, please confirm my understanding of the report language in this regard. Is it accurate that the figures listed for oak growth and yield research and for wildlife research reflect increases over the President's request, and not the total appropriations for those activities?

Mr. YATES. The gentleman is correct.

Mr. VOLKMER. Thus, after these increases, the total appropriation for the Columbia research facility is in the neighborhood of $750,000; is that correct?

Mr. YATES. The gentleman is correct.

Mr. VOLKMER. I thank the chairman for his clarification, and I thank the committee for its explicit support for continuing the research at the Columbia facility.

Mr. YATES. Mr. Chairman, I reserve the balance of my time.

Mr. McDADE. Mr. Chairman, I yield 5 minutes to my distinguished colleague, the gentleman from Texas [Mr. LOEFFLER], who makes such valuable contributions to the subcommittee.

Mr. LOEFFLER. I thank my distinguished ranking Republican member of the subcommittee for yielding, and say to him that all of us in this body, those of us who serve today as well as those who have served in previous years, wish to express our thanks to the gentleman for the outstanding job the gentleman has done on the Interior Appropriations Subcommittee for the past 20 years.

While we know next year in the new Congress, the 99th Congress, the gentleman will have other responsibilities on the Defense Appropriations Subcommittee that will take the gentleman away from our activities altogether, we will always look to the gentleman for his advice, and counsel, and guidance, and know that while the gentleman may not be meeting with us regularly, you will be with us in heart and spirit. I am sure the gentleman will have something to say about the priorities that we will establish next year.

I also wish to thank our distinguished chairman and the members of the committee for the very fair and equitable way that we have conducted the hearings during the course of this markup process, and I as well look forward to service on the committee during the years ahead.

Mr. Chairman, I do, however, rise to express only qualified support for the fiscal year 1985 Interior and related agencies appropriation bill which we have before us today. I say qualified support because I have serious reservations about several facets of the bill. First and foremost, this body must face the fact that the pending legislation is some $500 million over the Rose Garden budget allocation, and, as the distinguished ranking Republican has mentioned earlier, will certainly be subject to Presidential veto in its present form.

□ 1720

No one item accounts for this half-billion dollar excess. We simply have too much of a good thing in this bill. All told, there is at least $470 million in this Interior bill which the administration deems to be unacceptable.

The committee has, however, worked its will on this bill, allocating $8.5 billion among the Department of the Interior, the Department of Energy, as well as several independent agencies. Clearly, I do not wish to unravel and upset the priorities that the subcommittee and the full committee have established.

As we continue the consideration of amendments on this legislation, our ranking Republican, the gentleman from Pennsylvania [Mr. McDADE] will offer an amendment to reduce this bill perhaps as much as 4 percent across

the board, which would begin—and I say begin—to bring this appropriation bill within the realm of fiscal responsibility. If the amendment is not adopted, then I will be constrained to oppose the legislation on final passage.

Mr. Chairman, I must also bring to the attention of my colleagues the section of this bill dealing with the ability to explore, develop, and produce oil and gas from the offshore Outer Continental Shelf. As my colleagues are well aware, the Committee on Appropriations has, for each of the last 3 years, imposed moratoria on much of the Outer Contintental Shelf and, thus, have effectively stymied this Nation's efforts to achieve energy self-sufficiency in a responsible manner.

The committee bill before us continues the moratoria on the Outer Continental Shelf activities off the coast of California and in the Georges Banks region in the North Atlantic. However, I must point out to my colleagues that there are currently no lease sales scheduled—no leases sales scheduled—in either of these regions during fiscal year 1985. The Secretary of the Interior, Mr. Clark, has testified before both bodies that no lease sales are scheduled and none will occur offshore California or the Georges Bank region in fiscal year 1985.

The moratoria language is simply a rollover of language from previous years and, in my judgment, serves no legitimate purpose.

Today, and during the consideration of this bill, I shall not offer an amendment on this issue, but feel compelled to bring this matter of urgent national importance to the attention of my colleagues. Blanket moratoria, as contained in this bill, only serve to threaten our Nation's energy and economic future, not to enhance it. In my judgment, we must continue, as was begun during deliberation in the subcommittee and full committee, to reverse this trend toward putting our Federal energy resources under lock and key, and move responsible and expeditiously toward energy self-sufficiency.

Again, I thank the distinguished chairman and the distinguished ranking Republican member for their courtesies and for their fairness during the entire deliberation, the hearings, the markup, in the subcommittee and the full committee, and look forward to yet another year ahead with our distinguished chairman, the gentleman from Illinois, and say to our ranking Republican, thank you for a job well done, and I am sure the chairman and those of us on the subcommittee will be hearing from you next year anyway.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. McHUGH].

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

Mr. Chairman, I also wish to compliment the chairman and the distinguished Member from Pennsylvania, the minority member on this subcommittee, for the fine job that they and their subcommittee do.

Mr. Chairman, I rise to say just a few words about the Upper Delaware River addressed just a few moments ago by my distinguished friend, the gentleman from New York [Mr. GILMAN].

This unparalleled, beautiful river, 75 miles of it approximately, is governed by wild and scenic river legislation which was passed in this Congress in the late 1970's. The gentleman from New York [Mr. GILMAN], the gentleman from Pennsylvania [Mr. McDADE], and I cooperated in fashioning that legislation, and it is unique legislation in a number of important respects.

First of all, it strictly limits the amount of land that the Federal Government can purchase. Traditionally, wild and scenic river corridors were purchased in large measure by the Federal Government and managed exclusively by the Government. This legislation takes a different approach. It strictly limits the amount of property the Federal Government can purchase; and second, and equally as important, calls upon the local people to participate in the development of the management plan for the river corridor.

This is critically important, because if the local people take advantage of the opportunity they have to participate in the planning process, the management plan which will govern the river will reflect very substantially the local concerns people understandably have.

So we think this is important legislation. I understand that many people in our constituencies are concerned about the possibility that the Federal Government will purchase a considerable amount of territory. That is not the intent of the legislation. It is certainly not the intent of the authors, Mr. GILMAN, Mr. McDADE, and I, and certainly we will safeguard the interest of our local constituencies in seeing that the participation of the local people is preserved in the planning process and that the Federal Government does not purchase large segments of land which is not contemplated by the legislation itself.

Mr. YATES. Mr. Chairman, I yield 1 minute to the very distinguished gentleman from Massachusetts [Mr. BOLAND].

Mr. BOLAND. I thank the distinguished gentleman from Illinois, the chairman of the Interior Subcommittee, for yielding this time to me.

I rise in support of this bill. I serve on the Interior Subcommittee, and it has been a distinct pleasure to serve under the leadership of the gentleman from Illinois and the ranking minority member, the gentleman from Pennsylvania.

Mr. Chairman, I favor the moratoria on specific areas of offshore drilling. During the markup to this bill, I voted against removing the moratoria.

As my colleagues know, one of the areas covered by the moratoria is on the Georges Bank off the coast of Massachusetts. Much has been made of the fact that it is important that the United States find and develop new sources of petroleum. Those of us who live in New England, which is at the end of every energy supply line in this country, are especially sensitive to that fact. No one who supports the Georges Bank moratorium argues that the New England States should be exempt from the national search to find new sources of energy. There have been petroleum exploration activities off the New England coast. In 1979, 63 tracts, totaling nearly 360,000 acres were leased and drilling began in 1980. That drilling activity, which has thus far only produced 8 dry holes, is continuing and will soon be supplemented by drilling activity on the more than 14 million acres off the New England coast that will be offered for lease by the Department of the Interior later this year. I think the record is clear. In spite of a number of environmental concerns, the people of New England realize that an OCS exploration effort is necessary from a national standpoint, and they are willing to be a part of that effort.

Why, then, do we ask for the moratorium? New Englanders know that new sources of energy are important to our economy and security. We, and those who support the California moratoria, also know, however, that our economy has other important elements—elements whose interest may sometimes compete with the interest of the petroleum industry. When deciding between these competing interests we ask only that fair consideration be given to the relative worth of each. The committee's moratorium covers about 8 million acres on the Georges Bank. This area comprises the most ecologically sensitive portions of one of the world's most productive fisheries. There is nothing conjectural about the value of this fishery, it is a proven economic resource which supports a multibillion dollar fishing industry. The products of this industry are not used for fertilizer or cat food, they are used to feed human beings both here and abroad.

If we are to open the most sensitive areas of the Georges Bank fishery to oil and gas exploration, with all of the risks associated with that activity compounded by the predictably severe weather in the area, the expected energy gains should at least balance the proven economic value of the fish-

ery. They do not. Resource estimates indicate that the value of the Georges Bank fishery is three times greater than the total economic value of the oil and gas resources in the area covered by the moratorium. The amount of oil and gas expected to be found in the moratorium area has been reduced by 95 percent in the course of various reestimates and it now appears that the bulk of the energy resource in the area is natural gas—a commodity hardly in short supply.

I hope that some accommodation can be worked out between the Department of the Interior and the affected coastal States which will permanently remove from consideration for leasing those OCS areas whose petroleum reserves are far outweighed by other considerations. Such an agreement would be clearly preferable to the moratoria procedure but I believe that the moratoria are necessary to produce an agreement. In addition, while no sale is scheduled in the Georges Bank moratorium area in 1985, continuation of the moratorium will provide protection against a slippage in the date for the 1984 lease sale. Without this protection, there would be nothing to legally prohibit the Secretary of the Interior from including areas now off limits in that sale.

Mr. Chairman, the leasing moratoria are necessary to insure that OCS development take place in consideration of, rather than in spite of, other economic interests. They are a valuable tool for reason in the leasing process and I urge my colleagues to continue them.

Mr. McDADE. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota [Mr. FRENZEL].

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

Mr. Chairman, the previous speakers on this bill, even those who have indicated some suspicion of its excess spending, have been very complimentary to it. I must say at the outset that I am opposed to H.R. 5973 because there is too much spending in it.

Mr. Chairman, the bill calls for $8,509,496,000 in budget authority for fiscal year 1985. Last year's regular appropriation was for $7,953,783,000. This year's bill is $555,713,000, or 7 percent, above last year's regular appropriations. So far for fiscal year 1984, we have added $69,378,000 in supplemental appropriations for this function. This bill is $486,335,000, or 6.1 percent, over the amount appropriated to date for fiscal year 1984.

My judgment is that a 6-percent increase is unacceptable. So is 7 percent. It is twice our budget limit of 3.5 percent for domestic discretionary spending.

Moreover, individual sections of the bill can be described only as excessive. The Department of the Interior as a whole will receive $392,497,000, or 9.9 percent, more than in the appropriation we passed last year. Within the Department, the Fish and Wildlife Service gets $45,563,000, or 12.9 percent more than last year's appropriation. Energy and minerals functions receive $128,030,000, or 13.3 percent, more than last year's regular appropriation. Bureau of Indian Affairs, $97,189,000, or 10 percent more than last year.

Related agencies also fare very well. The Forest Service will receive $209,033,000, or 15.4 percent, more than last year. The Department of Energy appears to be a loser by $185,914,000. Almost all of those savings are from decreased strategic petroleum reserve activity. However, the committee informs us that in fact a supplemental for SPR awaits, to the tune of $459,190,000. Moreover, nonappropriated payments to SPR actually increase about 4 times—from $650 million last year to a projected $2.351 billion this year.

In addition, Mr. Chairman, arts-related appropriations increase at what are to me an unacceptable rate. The Smithsonian Institution receives an increase of $33,154,000, or 16.3 percent, more than last year. The National Foundation on the Arts and the Humanities increases $24,850,000, or 7.7 percent. There is no doubt that the arts are important to us. However, my judgment is that deficit reductions ought to be more important. I do not believe that it is fair or equitable for us to ask taxpayers to finance these large sorts of increases when restraint is being made in other areas, and the deficit remains so dangerously large.

I make comparisons to last year's appropriation for a very important reason. First, I feel that it is important that we make some reasonable comparison between like accounts. Virtually no appropriation certainly the Interior appropriation, finishes the year without some addition. If we do not compare this year's clean appropriation to last year's then we simply end up arbitraging the supplementals in each year. When we start to add supplementals, then it is reasonable to compare to the prior year's supplemented spending.

A second important reason to compare this year's appropriations to last year's presupplement level is that this bill historically receives large supplementals. From fiscal years 1978-83, the average supplemental is $140,951,330, or 5.3 percent. If fiscal 1980 is excluded—a year in which the Department of Energy received a large increase, most of it for synthetic fuels, resulting in serious inaccuracies between the original and final spending level—then the average supplemental is $791,713,800, or 8.5 percent. So far for fiscal year 1984, we have added $69,378,000, or about 1 percent.

The Parliamentarian's status report from June 27 indicates that there are entitlement authorities and other mandatory items requiring further appropriations. Some $2 million is for range improvements, attributable to this bill's account. Another $761 million is for civilian agency pay raises, and special benefits for Federal employees, a fraction of which is also attributable to this bill's account.

The committee reports that this bill will cost $8,509,496,000 if it is passed without modification. The bottom line is that it will surely cost us a few percentage points more, as has been the case in 5 out of the last 7 years.

Finally, I note that in additions to this bill's report, some committee members express reservations about the bill as well. An amendment to rescind funding for the Synthetic Fuels Corporation I would support on its merits alone. When considering the fact that this bill is so much in excess of our budget targets, I intend to support other responsible amendments to reduce spending in this bill. I expect to get a spending reduction amendment of my own.

Mr. Chairman, we ought to be serious about deficit reductions. That will require restraint in every category, and on every bill. I urge a "no" vote to this appropriation.

Mr. YATES. Mr. Chairman, I have no further requests for time.

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

Mr. YATES. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] has 2 minutes remaining.

Mr. YATES. Mr. Chairman, I yield myself the balance of my time, and I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the measure now before us, H.R. 5973, Interior appropriations for fiscal year 1985. The Subcommittee on the Interior of the Appropriations Committee has conducted extensive hearings on the programs and projects encompassed in this legislation, which provides regular annual appropriations for the Department of the Interior and for other related agencies, including the Forest Service, the Department of Energy, the Smithsonian Institution, and the National Foundation on the Arts and Humanities. It is only after careful consideration of all these and other programs that the committee has fashioned H.R. 5973.

Many of the initiatives undertaken by the committee in increasing the funds allocated to the Department of the Interior are centered around the production of our natural resources. The committee has recommended cer-

tain increases to further protect the resources of our Nation and to bar against their further erosion.

Similarly, for several years, it has been the interest of the committee to increase investment in our Nation's natural resources. Serious efforts have been made to support and initiate programs to replant those forest lands that lie fallow as a result of fire, insect infestation, wind, and harvests. Thus, the attempts to increase productivity and the ability of public lands to meet the ever-increasing needs of this Nation for the wide variety of products the forests provide, have centered around strengthening research.

Because research has become increasingly necessary for the development of barren forest lands, it is also significant in expanding the improtance of energy for our society. Energy, one of the sole determinants of the future of the economy and security of America, is predominantly developed by the Government. Government research funds can advance energy technologies, play a leadership role in energy conservation, and prepare ahead in the event of an oil import interruption. The provisions in this legislation provide for a stronger energy emergency preparedness capability, continued technology development, and for assistance to those people and institutions least able to make their homes and buildings more energy efficient. By increasing the budget for the Department of Energy, research, conservation, development and regulation can all be equally provided for by the technology that is catalytic in their implementation.

The Smithsonian Institution is also greatly in need of Federal support. Established by Congress in 1846, it primarily operated from the trust funds of the will of James Smithson. However, with the turn of the century it began to receive Federal appropriations to conduct some of its activities. With the expenditure of both private and Federal funds over the years, it has grown into one of the worlds great scientific, cultural, and intellectual institutions. To maintain the high caliber of intellectual activity ensconced in this Institution while concomitantly stimulating new development, an increase in Federal funding is of paramount importance and will continue to allow the Smithsonian to play the very important role it now enjoys.

So too, the National Foundation for the Arts and Humanities has received strong bipartisan support over the years, both in Congress and in the White House. Since its establishment in 1965, the past four Presidents have approved in turn, the congressional declaration that financial assistance for the arts and the humanities is a proper responsibility of the Federal Government in encouraging and enriching the human mind and spirit and in fostering the creativity of the American people. Consequently, these Presidents requested increased amounts in support of our cultural heritage and development in their budgets, and each year the Appropriations Committee and the Congress have overwhelmingly approved such increases. In this light, the legislation currently pending before us should be strongly supported. The arts must not be curtailed but must continue to exemplify the expressions of full-bodied creativity and overflowing spirit that reside in the hearts and minds of the American people.

To further the contribution made by museums to the public sector, additional grants are allocated to the institute of museum services. This fund enables the institute to continue serving as the intermediary between the Federal Government and those institutions deserving monetary assistance. Museums desiring support to expand collections and improve their overall establishment are represented and funded by this institute.

Furthermore, the National Gallery of Art, the Commission of Fine Arts, and the Historic Preservation Fund are similar recipients of the Appropriations Committee's increases in budget allowance with increases totalling over $62 million. These allocations are not frivolous but imperative, as they maintain the institutions which represent the history of our country and enable the American people to proudly remember the significance of this Nation's past.

While these creative individuals deserve Federal recognition, proper measures must be taken as well to pay tribute to those who have died for their beliefs. The Holocaust Memorial Council has been allocated an increase of $123,000 over the fiscal year 1984 funding level for a total of $1,976,000. These funds are provided for the planning, construction, and maintenance of a permanent living memorial and museum to the victims of the Holocaust in Washington, DC, and for the coordination of national days of remembrance to commemorate the millions who perished.

The importance therefore, of appropriating these Federal funds is essential in promoting creativity of mind and productivity of theory. These institutions and agencies have been extremely important in molding the minds of my constituents in New York and consequently deserve the Federal funding upon which they depend. If at this time we deny them the support they so desperately need, not only will we suffer, but the future of our children will suffer as well.

Accordingly, I urge my colleagues to promote the great American potential in developmental research, to ensure the unique creativity of the American people, and to uphold the freedom of the American spirit by lending their full support to this important measure.

Mr. AUCOIN. Mr. Chairman, I rise in strong support of H.R. 5973, the Interior appropriations bill for fiscal year 1985. This bill represents the culmination of long hours of work by the subcommittee, particularly that of the chairman and the ranking minority member. To them I offer my gratitude and my congratulations.

Mr. Chairman, if the Members will take the time to read the report they will find that our subcommittee heard from over 800 witnesses during 43 days of hearings. The hearings are contained in 12 published volumes totaling roughly 13,000 pages.

I bring those facts to the attention of the Members because they serve to illustrate just how important this bill is to the people of our country. As I have said many times, the annual Interior appropriations bill is probably the single most important piece of legislation affecting my State of Oregon. And that is true for many other States, primarily those where the Federal Government manages large tracts of lands.

This bill has been described as the all-American bill and with good reason. For in this bill are the necessary funds for the proper management of our Nation's timber lands, for fish hatcheries, for critical energy programs, for key land acquisitions, for the arts and humanities, for the strategic petroleum reserve—an important component in our national security system, and for a host of other natural resource and cultural programs.

The budget of the Forest Service is of particular importance to the economy of my State. The Forest Service budget is important because most of the timber companies in my State are not large private landowners. Instead, these firms must rely on timber offered for sale by the Forest Service from the lands that agency manages.

This bill provides for 5.05 billion board feet of timber for region 6. Funding is also provided for reforestation and timber stand improvement, two accounts that are labor intensive and add to the stability and productivity of our national forests in the region I represent. This bill also restores important funding for forest research and the State and private forestry program.

Mr. Chairman, the annual Interior appropriations bill is one of the few appropriations bills that actually makes money for the Treasury, thus helping to lessen our deficit. This is a critical point. This bill is a bill that makes investments that will generate revenues to local governments and the Federal Treasury. The bill before you today will generate revenues of over

$12 billion—$3.5 billion more than it appropriates.

I bring these points to the attention of the Members because I am sure that we will vote on an amendment today that will make an across-the-board cut of some amount in order to make it acceptable to David Stockman and the Office of Management and Budget. I urge my colleagues to defeat such an amendment, particularly if the House decides today to rescind $5 or $10 billion from the synthetic fuels program. It will be argued that there is no program in this bill that cannot absorb a modest across-the-board cut. That might be true for some bills, but to make cuts in this bill is simply penny wise and pound foolish.

Let me describe for you what a modest 3 percent across-the-board cut will do to just a few of the revenue-producing programs in this bill. Take the Forest Service's timber sales program. A 3-percent cut in this program will save $5.7 million. It will mean, nationally, a decrease in the timber sales program of 450 million board feet. By saving $5.7 million we will forego $59 million in revenue—$37 million of which would come from Oregon and Washington, the most productive timber growing region. It means that over 7,000 job opportunities will be lost nationally—2,200 lost in Oregon and Washington. The $2.5 million we will save by cutting the important timber stand improvement program by 3 percent will cost us another 150 job opportunities.

The Forest Service recreation program, which serves more Americans than any other Federal agency including the Park Service, will see its capacity of developed sites reduced by 1.5 million visitor-days.

The Bureau of Land Management, which is thought of as primarily an agency that manages range lands, also manages timber lands. A 3-percent cut in its timber sales program—which comes to $1.6 million—will mean that 31 million board feet will not be sold in Oregon. That amount of timber would support 290 direct and indirect jobs in Oregon, a State which still has an unemployment rate of over 9-percent. This modest $1.6 million cut will cost the Federal Treasury $3.7 million in revenues.

Let me turn to another critical natural resource program—fisheries in the Pacific Northwest. The fishing industry in Orgeon has traditionally generated hundreds of millions of dollars into the economy of the Northwest. Just 2 years ago, Oregon's fishing industry contributed $300 million to the State's economy. Yet this season is one of the worst in modern history—for example, there is no commercial coho season off the coast of Oregon and Washington. The Fish and Wildlife Service, through matching grants to States, is attempting to restore the great fisheries of the past through research on anadromous fish. A 3-percent cut, however, would stall this vital research on salmon, steelhead, and striped bass, all of which are experiencing conservation problems and are extremely important to the economy of the Northwest.

Mr. Chairman, I respect the view of those who will support an across-the-board cut today. I understand their desire to bring our $200 billion yearly deficits under control. I share their desire to rein in spending. But it just seems to me that in our zeal we ought to pause a moment and reflect on exactly what it is that we're doing. Let me repeat what I said earlier—this bill makes money for the Treasury. It's an investment. It stimulates employment in the private sector. It does all the things that nearly all of us, at one time or another, say we support.

I urge you to support this bill and defeat any amendments that will cost Americans jobs.

● Mr. FIELDS. Mr. Chairman, as the ranking minority member of the Panama Canal/OCS Subcommittee, I rise to express my strongest opposition to the inclusion of OCS moratorium language within this legislation.

Just a few short years ago, this Nation faced a monumental energy crisis which caused tremendous economic and personal discomfort for millions of Americans.

In response to that pressing problem, the Congress overwhelmingly adopted the Outer Continental Shelf Lands Act Amendments of 1978. The fundamental purpose of this historic landmark legislation was to "expedite exploration and development of the OCS in order to assure national security, reduce dependence on foreign energy sources and maintain a favorable balance of payments in world trade."

Since that time, the energy industry has worked with various government agencies at the State and Federal level to develop our offshore energy resources in a timely and environmentally safe manner.

Regrettably, their efforts to further reduce our dependence on unstable sources of foreign oil have been stifled time and again by the misguided actions of this Congress.

In the last 3 years, this body has blatantly ignored the fundamental purpose of the OCS Lands Act by insisting on language which has consistently diminished the amount of OCS acreage which is available for exploration and development activity.

For instance, 3 years ago, the fiscal year 1982 interior appropriations bill prohibited activity in just four northern basins in the central and northern California planning area which totaled some 700,000 acres. Unfortunately, these prohibitions have now grown to the point where under this legislation, moratoriums are placed on some 52 million acres of the OCS.

While this may not seem like a lot of acreage, we must remember that these 52 million acres represent more OCS land then has been leased during the entire 30 years of the Federal OCS program.

These moratoriums are extremely shortsighed, counterproductive, and dangerous to the future of this Nation. They are a giant step backward to the goal of achieving energy independence.

While the memory of gaslines may no longer be burned in the minds of our constituents, let us not delude ourselves into believing that our energy problems have been solved.

In fact, they are far from being solved. At a time, when we should be working deligently to increase our domestic production, sadly we find that we are still consuming more oil than we produce and that our known energy reserves will be gone by the late 1990's.

Now, is the time to reverse this unacceptable trend and since the OCS contains up to 60 percent of this Nation's undiscovered energy resources, it's clear the OCS will play the major, if not key, role in meeting the energy needs of our citizens.

Instead of discouraging energy exploration, this body should be encouraging the efficient and timely development of the estimated 43 billion barrels of oil and the 230 trillion cubic feet of natural gas which is projected to exist on the OCS.

With these resources, our Nation could replace some 25 years' worth of oil imports and we could heat 23 million homes in America for the next 50 years.

Clearly, we cannot accomplish the goal of developing these needed resources by increasing the amount of OCS restrictions and by injecting such uncertainty into the leasing process.

One of the major accomplishments of the 1978 amendments was to significantly increase the environmental and occupational safeguards of the OCS program. These changes were in addition to the many environmental laws, like NEPA, which were already in existence.

As a matter of fact, as a result of the Outer Continental Shelf Lands Act amendments, industry must now comply with 74 sets of Federal regulations and nearly three dozen major Federal laws concerned with environmental protection and navigation safety.

To date, the U.S. OCS program has had only one environmental accident of significance, and that was the blowout in the Santa Barbara Channel in southern California in 1969. As a matter of fact, out of the 60 largest oilspills that have occurred in the

waters of this Nation, only one is the result of OCS oil and gas activities, the remainder are the result of tanker spills, the majority of which were carrying imported oil.

During the past 10 years, all OCS-related oilspills have amounted to about 56,000 barrels—which is less than one ten-thousands of 1 percent of the oil produced offshore during that period.

There has never been an oilspill resulting from a blowout of any of the more than 6,000 exploratory wells drilled in U.S. waters. And, since 1969 fewer than 800 barrels of oil have been lost in blowouts from all types of wells.

Clearly, the OCS safety record is an excellent one and what is ironic is that by enacting these moratoriums this body is not only promoting increased dependence on foreign oil but is encouraging the transportation of oil on tankers which are far more dangerous to our environment than the OCS Leasing Program.

At the same time, they must be some recognition of the many positive socioeconomic benefits of the OCS program.

As a Representative from Houston, TX, I can assure you that OCS development means jobs and livelihoods for thousands of my constituents. In fact, according to a study prepared by the Texas Department of Water Resources: One new job in the oil and gas industry creates three and seven-tenths new jobs in other sectors of our economy and it results in almost $48,200 in wages, dividends, and royalties, almost $30,300 in Federal, State, and local taxes and $528,000 in gross receipts economywide.

In the gulf coast area, 85,000 jobs are directly or indirectly dependent on the offshore program. Approximately 10,000 of these jobs are associated with activity offshore from Texas, and 75,000 are related to offshore Louisiana.

But employment from the OCS Program is not limited to the Gulf Coast area. In fact, hundreds of thousands of Americans, in nearly every State across the country, are employed by companies who service and supply the offshore industry. And, I am not just talking about large oil companies but many small, privately owned, even mom-and-pop operations, who depend on the offshore industry for their livelihoods.

Let me briefly share with you what's involved in getting one of these offshore rigs into operation.

Long before any kind of drilling activity begins, important geophysical data is obtained from our ocean floors. The sophisticated equipment used to collect this vital information is manufactured and developed in Connecticut, Massachusetts, and Rhode Island.

The highly specialized maps used to locate potential energy resources are produced in California and Florida.

The steel used to build these massive rigs, which is some 6,000 tons each, is manufactured in Birmingham, Pittsburgh, and Baytown, TX.

The rigs are then fabricated at shipyards along the gulf coast in Alabama, Louisiana, Mississippi, and Texas, as well as in California and Maryland.

After they are assembled, the rigs are painted and treated with protective coverings manufactured in St. Louis, MO, and Union, NJ.

The engines that power the rigs are manufactured by companies in Peoria, IL, and Detroit, MI.

The cranes that hoist equipment and supplies comes from Nebraska, Pennsylvania, Texas, Washington, and Wisconsin.

Specialized drilling fluids, drilling tools, and cement arrive from Arkansas, California, Nevada, Oklahoma, Utah, and Wyoming. In cooler climates, heaters manufactured in North Dakota warm the chilled living quarters and work areas.

Crews and supplies are brought to and from the rig by helicopters and workboats which comes from Alaska, Connecticut, Louisiana, New York, Oregon, Texas, and Washington.

Special shoes, hard hats, and work clothes are manufactured in Kentucky, Minnesota, Pennsylvania, Tennessee, Texas, and Wisconsin.

After exploration wells are drilled, mobile rigs move off location. If commercial quantities of oil and gas have been discovered, production platforms and pipelines are built to move products ashore. Many more jobs are created in this stage of the process.

From this description, you can see that OCS activity creates jobs for hundreds of thousands of Americans in States throughout this Nation. These are jobs that will not exist, if the Congress continues to enact these moratorium prohibitions.

Let me say in closing that if you want to do something positive to create jobs, to further reduce our dependence on imported oil, to increase our national security, and to improve our environment, then I urge you to join with me in opposing these misguided, ill-conceived, and dangerous OCS moratoriums contained within this legislation.

To do otherwise is to condemn your constituents to future energy shortages which will make the gaslines of the late 1970's pale in comparison.

I believe we can and we must achieve the goals of Public Law 95-372 by developing the Federal OCS area in a timely and environmentally safe manner. The OCS holds the key to energy independence and security for this Nation.

Mr. Chairman, finally, I would like included in the record a document which analyzes the negative effects of the OCS moratoriums. According to this study, over 2,000 jobs have been lost as a direct result of these leasing prohibitions, over 2 billion barrels of oil have not been produced and over $8.7 billion has been lost to the Federal Government in OCS revenues.

I again urge my colleagues to join me in strongly opposing H.R. 5973, the Interior appropriations bill for fiscal year 1985.

The study follows:

ANSWERS TO QUESTIONS FROM REPRESENTATIVE JACK FIELDS

Question: If leasing prohibitions contained in the Fiscal Year 1984 Department of the Interior Appropriations Act (P.L. 98-146) continue,

(1) How many jobs will be lost?

Answer: Potential employment stemming from OCS leasing is usually estimated as a part of the environmental impact statement (EIS) prepared for each lease sale included in the 5-year leasing schedule. Thus, the following figures are derived from the EIS's for the various sales affected by the prohibitions, except for Central and Northern California where the estimate is based on potential loss in resource production (see Question (2) below) since an EIS for an areawide sale in that planning

North Atlantic (Sale 82)—180 (fewer jobs in peak employment year).

Eastern Gulf of Mexico (Sale 79)—50 (fewer jobs in peak employment year).

Southern California (Sale 80)—1,200 (fewer jobs in peak employment year).

Central and Northern California—885 (fewer jobs in peak employment year).

(2) How much oil and gas which could be produced, would not be?

Answer: If the leasing prohibitions were permanent, the following resources would not be produced. Figures are for millions of barrels of oil equivalent.

North Atlantic—100; Eastern Gulf of Mexico—138; Southern California—890; Central and Northern California—1,100.

(3) Loss of revenues to Federal and State Governments?

Answer: (a) Loss to Federal Government—The following estimates represent loss of total receipts if prohibitions were permanent, including interest, bonuses, royalties and taxes.

North Atlantic—$150 million.

Eastern Gulf of Mexico—$345 million.

Southern California—$4,450 billion.

Central and Northern California—$3,850 billion.

(b) Loss of State Governments—This loss can generally be attributed to two sources. First, the States would lose potential State tax revenues due to loss of employment and other economic activities. Second, the States would receive no revenues from section 8(g) tracts that are located in areas subject to congressional prohibitions. An estimate of these losses are not available.●

● Mr. RAHALL. Mr. Chairman, the measure before us today, the Department of Interior and Related Agencies Appropriations for fiscal year 1985, H.R. 5973, supports many important activities. I would, however, like to address certain matters pertaining to the Abandoned Mine Reclamation Program at the Office of Surface Mining.

This bill appropriates $263 million from the abandoned mine reclamation fund in State grants, an increase of 35 percent over fiscal year 1984 levels. Also appropriated are $13 million for the Rural Abandoned Mine Program.

I would at the outset commend the chairman of the Subcommittee on Interior, SIDNEY YATES, and others such as JOHN MURTHA, JOE MCDADE, and RALPH REGULA for their diligence in working for the reclamation of abandoned coal mine lands.

At this time, the States are preparing or have already submitted their AML grant requests for fiscal year 1985. In the case of West Virginia—the recognized abandoned mine land reclamation leader—this will be its fourth annual AML grant and the request totals $31 million.

West Virginia, however, is currently being shortchanged by OSM. In January of this year, the agency awarded the State $27,197,000 its third AML construction grant. Of this amount, $18,433,598 was made immediately available. Still owed to West Virginia is $8,763,402 in fiscal year 1984 funds.

During the Committee on Interior and Insular Affairs OSM budget hearing, and again during the Appropriations Committee hearing with the agency, OSM officials were unable to say when this $8.8 million would be made available to West Virginia. I would at this time strongly urge the agency to review its AML funding situation so that it may, in an expeditious manner, make good on its grant award to the State.

There can be no doubt that West Virginia has proven its ability to put to good use the reclamation funds it receives, and to which it is entitled to under SMCRA. At the beginning of this year, $46.9 million in State share and cooperative agreement AML funds had been returned to West Virginia with $16.9 million of this amount having been obligated for projects in my congressional district. These projects have generally had priority one and two rankings, and dealt with problems associated with dangerous and often burning coal refuse piles. In addition, the State has also received $5.3 million for emergency projects with approximately 39 percent of this amount having been expended in my district.

The RAMP Program in West Virginia has also been a success. Despite the continued efforts of OSM to eliminate RAMP, the Soil Conservation Service working with West Virginia's 14 soil conservation districts in conjunction with the State RAMP Committee has completed 11 projects with reclamation underway on 8 other projects.

As stated in the committee report, RAMP funds are to come out of the Secretary's share of the abandoned mine reclamation fund.

At this point, I would like to comment on OSM's proposal of January 25, 1984, to apportion the Secretary's share of the abandoned mine reclamation fund to the States.

This proposal has been controversial because it is based on the national abandoned mine land inventory—an extremely flawed document which does not accurately reflect the extent of AML sites across the Nation. Indeed, the Appropriations Committee has justifiably included report language expressing this concern.

I believe the Congress must give serious consideration to this matter. If left to its own devices, OSM will seek to apportion these funds to the States based on the inventory document. It is, as such, incumbent upon the States to immediately update their AML inventories so they more accurately reflect the degree of orphaned mine lands within their borders. However, the fact remains that the national abandoned mine lands inventory was never intended for use in allocating funds. It is, as such, questionable whether the inventory in and of itself should be the sole criterion used for apportioning unallocated Secretarial-share AML moneys.

The Interstate Mining Compact has, for example, suggested that the allocation be based on three criteria: First, allocate to all States/tribes with historic, long-term coal production, 100 percent of the AML funds generated by their current operations. Second, allocate to the western coal-producing States/tribes up to 70 percent of the AML funds generated by their current production. Third, allocate to all coal-producing States/tribes sufficient AML funds to guarantee $1 million per year for the remaining life of the AML Program.

As the development of this apportionment continues, I intend to pursue the consideration of other options and to work with my colleagues from the coal States to find a fair and equitable approach to the distribution of unallocated Secretarial-share funds.

Another problematic aspect of the proposed apportionment deals with its treatment of RAMP. OSM proposes to count moneys appropriated for RAMP against each State's allocation rather than deduct this funding—as it would for other Federal activities such as emergency projects, SOAP, and AML research—off-the-top prior to apportionment.

RAMP funds should be deducted prior to apportionment as are the other Federal deductions. It makes little sense to count RAMP funding against a State's AML apportionment when RAMP is a Federal program handled by the SCS and not OSM and the State agencies.

In my view, this OSM proposal is just another way for the agency to achieve its goal of eliminating RAMP. In this respect, OSM also continues to advocate bypassing the SCS by turning RAMP over to the States. The Congress has consistently upheld the integrity of RAMP and has indicated to the administration its desire for the program to be implemented in the manner as envisioned by SMCRA. It is now incumbent upon OSM to respect this position.●

● Mr. CORRADA. Mr. Chairman, the fiscal year 1985 appropriations bill for the Department of the Interior includes an increase of $300,000 in operations and maintenance of the Fish and Wildlife Service to conduct a thorough analysis of the refuge needs and objectives in the Caribbean Island National Wildlife Refuges in Puerto Rico. I am very pleased about this appropriation which will allow the Atlanta regional office of the Fish and Wildlife Service, which encompasses Puerto Rico, to conduct a study that will result in a list of management objectives for the refuges. In this manner, the Congress would be in a better position to determine where and how much money needs to be appropriated to ensure that the natural resources in Puerto Rico are preserved and protected. In addition, the bill provides money for one additional law enforcement agent for Puerto Rico to protect the resources managed under the Fish and Wildlife Service.

The Caribbean Refuges have more breeding birds, the greatest diversity of marine birds, and more species of breeding endangered marine turtles than any refuge in the southeast region in the Fish and Wildlife Service. It is long overdue for the Service to undertake a serious and comprehensive assessment of the needs in the Caribbean Island National Wildlife Refuges. I want to thank the chairman of the Subcommittee on Interior Appropriations, SID YATES, and his excellent staff for including this money. I urge my colleagues to support the fiscal year 1985 Interior Appropriations bill.●

● Mr. SYNAR. Mr. Chairman, the section of the committee's report providing funding for the Office of Surface Mining and the Solicitor's Office could almost be retitled, "The Challenge of Putting Humpty Dumpty Back Together Again." That is what much of their job is now all about.

At recent hearings held by the Government Operations' Subcommittee on Environment, Energy, and Natural Resources, which I chair, we learned, quite simply, that the Department has a real mess on its hands, particularly with regard to the collection of civil penalties owed by coal operators for violations under the Surface Mining Control and Reclamation Act of 1977. Conservatively estimated, about $150 million in fines owed under the Federal interim surface mining program re-

mains to be collected. Recordkeeping at the Department of the Interior is so inadequate that we cannot be certain that the $150 million figure is accurate, but it is the best we have. For all we know, the amount could be much greater. In addition, many mining sites against which notices of violations were issued during the Federal program have yet to be cleaned up.

The responsibility for straightening out the problem now falls to the current Secretary of the Interior; the current Acting Director of the Office of Surface Mining [OSM]; the incoming Director of that Office; and the Acting Director of the Division of Surface Mining at Interior's Office of the Solicitor. I don't envy any of them their jobs. But I am encouraged by the fact that the Department, after years of understating the situation, now acknowledges that it has a serious problem on its hands. This new realism, coupled with the agency's publicly stated commitment to solve the problem, is heartening.

The Appropriations Committee takes a constructive approach: It provides funds for badly needed improvements in management information systems, while pointing out that money alone is not the answer; a firm commitment from OSM leadership toward this end is also needed. The committee also provides funds to the Solicitor's Office to continue processing the Parker/Gasch court orders at no less than the fiscal year 1984 levels. This latter directive is particularly important. It is only over the past several months that the Department has hired lawyers necessary to handle the backlog of debt collection and site cleanup cases. It will require uninterrupted effort from this new, expanded cadre of attorneys to collect the debts and to get sites cleaned up.

Whether or not the funding in this bill is adequate is another question, but it should be noted that the Department has not made use of its existing authorities under the Debt Collection Act of 1982 and the Surface Mining Control and Reclamation Act to help pay the costs of collecting its debts and administering the act.

But let's not forget how Humpty Dumpty came to have his great fall in the first place. He didn't fall; he was pushed off the wall. On May 20, 1981, the Secretary of the Interior, James G. Watt, announced a reorganization of the Office of Surface Mining to streamline the operation of that Office. At the time, both Chairmen YATES and UDALL criticized the plan, but Secretary Watt and other key officials at the Department ignored their criticisms. Within the Solicitor's Office, people were also warning that cases were piling up and could not be handled with existing staff. They, too, were ignored. The Department proceeded, assuring Congress that the reorganization would make the program more efficient and effective.

Now we know that what the reorganization plan was very effective at doing was undercutting the ability of the Department to do its job in enforcing the act, particularly in the collection of civil penalties owed to the Treasury. The effect of the reorganization was to eliminate necessary and qualified staff at key points in the complex process through which a case must travel before any money can be collected. Cases piled up. The uncollected debt grew to monumental proportions.

There were inefficiencies throughout the Department. For starters, notices of proposed assessments, which notify an operator how much he owes and are a vital first step for collection, were not even given to the right people for service. It took an average of 412 days to hold assessment conferences, the point at which operators can informally challenge a penalty. And administrative hearings were pending, not for months, but for years. Very quickly, the word got out to many in the coal fields that the Federal Government was not serious about enforcing the law and collecting debts owed. Consequently, many operators, when served with a notice of violation, simply ignored it.

Contract dollars were also badly spent. Congress gave the Department money to buy computer systems. One system did not work. Another is duplicative, and departmental personnel either don't know how to make full use of another, or decided not to.

These types of problems appear throughout our hearing record, demonstrating that solving the Department's problems at this time will be very difficult. Nonetheless, I believe it is important that Congress provide the necessary support for departmental efforts to tackle the problem, while at the same time demanding a higher level of resolve and performance on Interior's part. For these reasons, I urge the Department to heed the committee's recommendations.

Let me comment briefly about another matter addressed in the committee's report. The committee provides that contracting out with A-76 procedures can take place "only upon completion of an A-76 study with funds specifically justified and approved for A-76 studies." In effect, the committee is bringing out into the open some of the costs of the A-76 Program—the diversion of personnel from their regular duties to conduct the cost comparison studies. I support that approach.

But these are not the only hidden costs. A contract which at first appears to be cheaper for the Government may contain substantial long range hidden costs such as unanticipated costs associated with the processing of change orders, the costs of contracting officers and lawyers necessary to resolve disputes, the costs of audits and audit resolution, the costs and inefficiencies arising from the failure of Government to properly anticipate the scope of the project and potential problems when writing bid proposals and contracts, and ballooning contract costs after an outside contractor captures a project because of low balling a contract. There are other, intangible costs, such as the loss of direct control over a project and the fact that once contracted out, it is frequently difficult to bring an activity back into the agency. Furthermore, undue emphasis on contracting out can lead to low morale and employee performance within the agency, which, in turn, makes it more difficult to carry out the Department's basic mission.

I have no objection to contracting out when thorough study shows it truly is cost effective, and when doing so makes sense in terms of the overall program of the agency. But the Department of the Interior has pushed hard to contract out, and to do so quickly. To date, we have had no assurance that, in fact, current projects will be cost effective when consideration is given to the variety of other factors that should be considered. Thus, I believe that the committee has taken an important step toward making the A-76 process more rational at the Department of the Interior, and I commend Chairman YATES and the members for their efforts.●

● Mr. LEVINE of California. Mr. Chairman, I rise in support of H.R. 5973, the fiscal year 1985 Interior Department appropriations bill. The bill contains two provisions which are of particular concern to the people of California.

First, H.R. 5973 includes a continuation of the Fiscal Year 1984 Interior Appropriations Act—Public Law 98-146—provisions which temporarily exempt economically, environmentally, and strategically sensitive areas off the California coast from oil and gas leasing. These provisions are the product of detailed discussions and negotiations in Congress, based upon previsous congressional action, State and local government recommendations and administrative exemptions by former Secretaries of the Interior. Since the change in leadership at the Interior Department, OCS oil and gas leasing program changes have been proposed. However, we have not yet found a long-term solution to the conflict between competing coastal uses. Extension of the California OCS moratoria is essential to continued efforts to reach an agreement on California coastal management.

We must do all we can to develop domestic energy resources—including increasing oil and gas production. How-

ever, we must also avoid resorting to costly litigation and time-consuming legislative battles. The economies of our coastal communities, which are dependent on a safe and clean coastline should not be endangered by offshore oil drilling. Also, environmentally sensitive areas such as Santa Monica Bay, the Monterey and Carmel coastlines, and other southern California beaches must be protected. Finally, we must also ensure the Navy's ability to carry out its national defense responsibilities without the interference of oil and gas leasing activities off the coast of San Diego. H.R. 5973 protects these sensitive areas while allowing oil and gas development in many other areas.

H.R. 5973 also includes a $28,165,000 appropriation for new parkland purchases in the Santa Monica Mountains National Recreation Area. This park provides a unique natural setting for millions of southern Californians who live and work in an urban environment and the many tourists from all over the world, who visit southern California beaches and the Santa Monica mountains. With this funding, the National Park Service may be able to accomplish the following: Complete acquisition in Zuma and Trancas Canyons, purchase the Oren Realty property, which is a significant ecological area; acquire the Charetville property, which offers a variety of outdoor recreational activities; buy the Leo Carillo/Rancho Sierra Vista connection, which includes the most spectacular mountainous scenery in the park, and acquire several trail corridors.

I commend the members of the Appropriations Committee for approving an Interior appropriations bill which encourages energy development while protecting our natural resources. I urge my colleagues to support this reasonable legislation.●

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

□ 1730

The CHAIRMAN. The Clerk will read.

The Clerk proceeded to read title I.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that the bill be read by titles, and that title I be considered as read and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there points of order against title I?

Are there amendments to title I?

AMENDMENT OFFERED BY MR. KOGOVSEK

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

The portion of the bill to which the amendment relates is as follows:

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided*, That pursuant to this Act and hereafter, and except with respect to those applications for which costs are recovered on the basis of a schedule of fees or charges fixed by regulation, the amounts collected under section 304 of the Act of October 21, 1976, and sections 101 and 203 of Public Law 93-153 and appropriated under this heading shall be sufficient to meet the actual cost, including direct and indirect costs, to the United States, as determined by the Secretary, of the application processing and other activities, including the full cost of preparation of environmental impact statements, required in connection with the application for which such charges are made: *Provided further*, That pursuant to this Act and hereafter, and except with respect to those applications for which costs are recovered on the basis of a schedule of fees or charges fixed by regulation, no funds other than those appropriated under this heading, or otherwise available under the provisions of subsection 307(c), may be used to meet the costs determined by the Secretary, in his discretion, to be reasonable under section 304(b) of the Act of October 21, 1976.

The Clerk read as follows:

Amendment offered by Mr. KOGOVSEK: On page 5, line 7, strike out the colon and all that follows down to the period on page 6, line 2.

Mr. KOGOVSEK. Mr. Chairman, this amendment will modify a legislative provision of the appropriation bill that would significantly change the intent of Congress when it wrote the Federal Land Policy and Management Act.

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

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

Mr. YATES. Mr. Chairman, as I understand this amendment, it proposes to strike out the phrase which requires actual costs be paid to the Bureau of Land Management in connection with rights-of-way, and that the word, "reasonable," be substituted.

Mr. Chairman, I think the gentleman's amendment has merit, and I have no objection to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. KOGOVSEK].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. O'BRIEN

Mr. O'BRIEN. Mr. Chairman, I offer an amendment.

The portion of the bill to which the amendment relates is as follows:

ADMINISTRATIVE PROVISIONS

Appropriation for the National Park Service shall be available for the purchase of not to exceed 1 aircraft for replacement only, 207 passenger motor vehicles of which 163 shall be for replacement only, including not to exceed 111 for police-type use and 4 buses; and to provide, notwithstanding any other provision of law, at a cost not exceeding $100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed $1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That none of the funds appropriated to the National Park Service may be used to add industrial facilities to the list of National Historic Landmarks without consent of the owner: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses.

The clerk read as follows:

Amendment offered by Mr. O'BRIEN: Page 15, after line 9, insert the following new items:

ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR

For the establishment and operation of the Illinois and Michigan Canal National Heritage Corridor Commission, $250,000.

JEFFERSON NATIONAL EXPANSION MEMORIAL COMMISSION

For the establishment and operation of the Jefferson National Expansion Memorial Commission, $75,000.

Mr. O'BRIEN. Mr. Chairman, the amendment that I am offering would provide $250,000 for the establishment and operation of the Illinois and Michigan Canal National Heritage Corridor Commission and $75,000 for the Jefferson National Expansion Memorial Commission.

These two commissions were authorized in S. 746, a bill we passed on June 29, just before the recess. The bill is now awaiting the President's signature. We have assurances from the White House that it will be signed.

Final passage of S. 746 marked the culmination of several years of bipartisan effort on the part of the Illinois congressional delegation.

Title I established a 100-mile national heritage corridor along the old Illinois and Michigan Canal between Chicago and LaSalle-Peru, IL.

Title II authorized the acquisition of land in east St. Louis, IL, for an addition to the Jefferson National Expansion Memorial across the Mississippi River in St. Louis, MO, known throughout the world for Eero Saarinen's famous Gateway Arch.

Title I called for the appointment by the Secretary of the Interior of a 19-member commission to oversee and coordinate the development of projects in the Illinois and Michigan Canal National Heritage Corridor. The bill authorized $250,000 annually for this purpose during the 10-year life of the commission.

My amendment would finance the I&M Commission's activities during its first year of operation.

Title II of S. 746 established the Jefferson National Expansion Memorial Commission, which would be set up in a somewhat different manner than the I&M Commission, and which would have different responsibilities.

I have included $75,000 for its work, a figure furnished to me by the sponsors of title II.

Mr. Chairman, until this year the great State of Illinois had the unenviable distinction of being one of only five States without a national park. The only property in Illinois managed by the National Park Service is the Abraham Lincoln home in Springfield.

The passage of S. 746 changed that. The east St. Louis project will become part of the National Park Service's Jefferson Memorial Expansion Park, and the route of the 19th century Illinois and Michigan Canal will become the Nation's first national historic corridor.

Before I close, I wish to pay my respects to Chairman YATES and ranking member McDADE for their understanding with regard to this amendment. It should have been offered in committee. It was not so offered, only because I became so involved in the passage of the authorizing legislation that I quite forgot the vital matter of the appropriation. I thank the gentlemen for their tolerance and courtesy in not dismissing my effort out of hand.

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

Mr. O'BRIEN. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I have read the gentleman's amendment, and on this side we have no objection to it.

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

Mr. O'BRIEN. I am happy to yield to the gentleman from Pennsylvania.

Mr. McDADE. Mr. Chairman, I congratulate the gentleman for offering the amendment. It is a good amendment. We have no objection to it, and we support it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. O'BRIEN].

The amendment was agreed to.

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

Mr. Chairman, I rise in strong support of H.R. 5973, the 1985 appropriations bill for the Department of the Interior. I want especially to indicate my appreciation, as well as that of the Commonwealth of Massachusetts, for the continuation of the prohibition on OCS leasing and preleasing activity in certain areas of the northwest Atlantic. This language, as well as that covering some areas off the coast of California, represents a limited congressional response to the failure by the administration to develop an OCS development plan that adequately balances the need to find new sources of oil and gas with the equally justifiable need to protect the rights of other users of ocean resources.

The restrictions on leasing in the northwest Atlantic in this bill are limited, and they are reasonable. Of some 59 million acres in the North Atlantic planning area, only about 9 million acres are included in the proposed moratorium area. These tracts include those located within 50 miles of shore, within vital commercial fish spawning grounds, within lobstering canyons, and within the Great South Channel, where both fishing and shipping traffic are very heavy. Even the Environmental Protection Agency under this administration has recommended against leasing in three of the areas. This request for a moratorium is not, as has been alleged, a blanket request—rather, it reflects the judgment that certain areas should be at least temporarily excluded from consideration while oil industry interest is first focused on the vast number of less environmentally critical tracts that will remain eligible for leasing.

The Secretary of the Interior, William Clark, has expressed his willingness to listen to the concerns of coastal States and other parties in these matters. Frankly, I have never met an Interior Secretary, including Mr. Clark's predecessor, Mr. Watt, who did not express such a willingness. The real question, however, is whether he will act in a manner that reflects these concerns. The facts are that this administration remains opposed to Federal support of State coastal zone management programs, opposed to sharing even a portion of the revenues derived from the OCS Program with coastal States, and opposed to requiring that offshore oil lease sales be made consistent with federally approved State coastal zone management programs. The lyrics may have changed at the Interior Department, but the underlying tune remains the same.

The question before Congress is whether the Secretary of Interior should be looked to as the sole source of wisdom with respect to the selection of areas for oil leasing. That approach is not consistent with the law, but it is, unfortunately, the approach that has been adopted by this administration. The issues at stake—clean beaches, a healthy fishery, and oil and gas exploration—are undeniably important, but their relative value—I submit—can be judged just as intelligently from the shores of Cape Cod or the Pacific as from the banks of the Potomac. The moratoria proposals—for the Pacific and the North Atlantic—are needed to restore a meaningful State-Federal partnership to the oil leasing process. Congress should continue to insist on these lease restrictions until the administration demonstrates a real commitment to act on its own to restore the balance that ought, by law, to have existed all along.

The CHAIRMAN. Are there further amendments to title I?

VACATING PROCEEDINGS UNDER WHICH THE KOGOVSEK AMENDMENT TO TITLE I WAS AGREED TO

Mr. KOGOVSEK. Mr. Chairman, I ask unanimous consent to vacate the proceedings under which my amendment was adopted to title I, and to offer the correct amendment.

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

There was no objection.

AMENDMENT OFFERED BY MR. KOGOVSEK

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

The Clerk read as follows:

Amendment offered by Mr. KOGOVSEK: On page 5, line 13, strike out the word "actual" and all that follows through the word "Secretary" on line 15, and insert in lieu thereof "reasonable costs, as defined under section 304(b) of the Act of October 21, 1976".

On page 5, line 16, strike the word "full" and insert in lieu thereof "reasonable".

Mr. KOGOVSEK. Mr. Chairman, this amendment will modify a legislative provision of the appropriations bill that would significantly change the intent of Congress when it wrote the Federal Land Policy and Management Act of 1976 [FLPMA]. What this provision would do is reverse a judicial decision, made barely 1 year ago, by the 10th Circuit Court of Appeals which ruled against the Department of Interior. The intent of Interior's proposal is to force applicants of rights-of-way permits on BLM lands to incur the total or actual costs of processing the applications, including the full cost of preparation of environmental impact statements, as opposed to the current law's requirement to pay "reasonable costs."

On the face, this may not sound like a bad change in the law. However, further examination of the issue, the interpretation of the court ruling, and the intent of Congress regarding FLPMA show that this change needs further study and is more far reaching.

Current law states that if someone applies for a permit for a right-of-way on Federal land, the Government will pay for the processing of the application, but the applicant will reimburse the Government for the "reasonable costs" that are incurred. This change

in the appropriations bill would eliminate a major and far-reaching section of that law by requiring the reimbursement of the total costs, regardless of whether they are reasonable, regardless if these costs would have been incurred anyway, and regardless of the fact that these costs are a benefit to the general public and not just to the applicant.

First, I would like to point out that this is a major change in FLPMA. If the Department seeks such a major change, there is no question full hearings are necessary to allow all impacted parties to be heard on such a landmark legislative change.

Second, I would like to read a number of statements from the 10th Circuit Court decision that show this was, and is, in violation of the law and the intent of Congress.

The court held "the Interior must consider factors listed in the Federal Land Policy and Management Act in establishing reasonable costs of processing applications for rights-of-way for reimbursement purposes." The court was very clear in the matter. Some of the other statements from this decision are as follows:

The court stated that these costs "must be considered on an individual, case-by-case basis." The Department's budget document, in requesting this change states, and I quote: "The above language is being requested to clarify the congressional intent * * * without regard to making individual case-by-case determinations * * *." This change flies in the face of the court decision and the intent of Congress.

In dismissing Interior's arguments, the court chastised the Department with statements such as "We do not take such a trivial view of Congress' explicit enunciation" and "Our review of this unusually abundant legislative history reinforces our conclusion that the reasonableness factors were intended to limit the Secretary's authorization to charge reasonable costs * * *. To suggest that the Secretary may completely disregard that line flouts the clear expression of Congressional intent contained in the legislative history."

Mr. Chairman, if we allow this change to be made, it will be in direct violation of the court decision and, in all probability, will again be ruled as a violation of FLPMA since the intent of Congress is precisely clear in this matter.

In addition, I must address the costs aspect, since this is why it is in this bill.

Interior wants applicants to pay for the total costs of processing applications, as opposed to reasonable costs, as is required by current law. This is to reduce the Department's budget, but in actuality, will have other grave effects. First, we are talking about millions of dollars more that an applicant would now have to pay, and pay in advance, just to apply for a right-of-way. What will this do to the costs of telephone, electric, gas, cable television or many other costs to those people residing near BLM lands? What will this do to ranchers who need a right-of-way for their business? I ask these questions because it is not totally clear, since there have not been hearings on this subject. What it appears will happen is it will directly and disproportionately shift this cost burden to our constituents, when it is not necessary. Second, if an applicant is required to pay this type of money, in advance, another result will be a significant decrease in the ability, and willingness, to even apply for permits. In the West, where the Federal Government owns so much of the land, this would have the effect of the consumers subsidizing the Federal Government's ownership of these lands: lands that the people do not necessarily want the Federal Government to own in the first place.

The following is a statement made in the conference committee on FLPMA, when they were debating this very issue of "reasonable costs," and I quote: "I do not think we would ever get Congress to agree that the applicant must pay all of them—the costs—all of the time, nor will we get Congress to agree, nor this committee to agree, that the Government would pay all the costs in every instance."

Mr. Chairman, in conclusion let me say that this legislative provision in the bill should be amended, and my amendment would do just that. The evidence is overwhelming that this is not what Congress intended. My amendment would continue to allow the Department to charge "reasonable costs," as they well should. And let me say at this point, that if the Department of Interior determines that the "reasonable costs" are in fact the "actual costs," then they can already charge this under current law. The court decision agreed with this fact, and in the language of that decision, and FLPMA, stated the following: "In determining whether costs are reasonable under this section, the Secretary may take into consideration actual costs * * *" and then listed other factors also. If the Interior Department feels that they need to change the law, then I urge them, as a member of the Committee on Interior and Insular Affairs, to seek this change in our committee.

Thank you and I urge my colleagues to support this amendment.

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

Mr. KOGOVSEK. I yield to the chairman of the subcommittee.

Mr. YATES. Mr. Chairman, it was the understanding of this gentleman that the amendment the Clerk had read previously was in fact the amendment which he now read in which the term, "reasonable costs," was substituted for "actual costs," and we have no objection to the amendment on this side.

Mr. KOGOVSEK. Mr. Chairman, I thank the chairman of the subcommittee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. KOGOVSEK].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will read title II.

The Clerk proceeded to read title II.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there points of order against title II? The Chair hears none.

AMENDMENT OFFERED BY MR. YATES

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

The portion of the bill to which the amendment relates is as follows:

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction $260,798,000, to remain available until expended, of which $26,750,000 is for construction and acquisition of buildings and other facilities; and $234,048,000 is for construction of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1985 under the Act of March 4, 1913 (16 U.S.C. 501), shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That no more than $196,226,000 to remain available without fiscal year limitation, shall be obligated for the construction of forest roads by timber purchasers.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 42, after line 6, insert:

"(INCLUDING RESCISSION OF FUNDS)"

On page 42, line 19, strike the period and insert the following: ": *Provided further*, That of the unused funds for timber purchaser road credits previously appropriated under the heading "Forest Roads" in Public Law 94-373, Public Law 95-74, and Public Law 95-465 and under the heading "Construction and Land Acquisition" in Public Law 96-196 and Public Law 96-514, $226,290,000 is hereby rescinded.".

Mr. YATES. Mr. Chairman, the purpose of this amendment is to rescind $226,290,000 in unexpended timber purchaser credit road funds appropriated in fiscal years 1977 through 1981.

Beginning in 1977, Congress began controlling the amount of purchaser road credit money that the Forest Service could include in timber sales contracts by appropriating a specific, and limiting, amount of budget au-

thority. These appropriations were counted as budget authority and outlays, pursuant to Public Law 93-378. In practice, however, the funds were never actually paid to a timber purchaser. The purchaser would receive a credit for timber harvested equal to the dollar amount of roads constructed, reducing receipts to the Treasury in the year the timber was harvested.

Mr. Chairman, this amendment will rescind a great amount of these funds that remain in the Treasury and are unused, and this will be of a substantial help to the budget deficit. I ask for an aye vote on my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YATES

Mr. YATES. Mr. Chairman, I offer an amendment on page 41.

The portion of the bill to which the amendment relates is as follows:

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for liquidation of obligations incurred in the preceding fiscal year for forest fire protection and emergency rehabilitation, includng administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", and "Land Acquisition", $1,041,459,000 of which $134,095,000, for reforestation and timber stand improvement, cooperative law enforcement, and maintenance of forest development roads and trails shall remain available for obligation until September 30, 1986: *Provided*, That the volume of lumber offered for sale on any national forest and the expenditures for that timber sale program may be increased over the level prevailing in the previous fiscal year only if estimated annual receipts, based on the actual bid values, are in excess of annual expenditures for timber sold in at least three of the preceding five years.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 41, beginning on line 25, strike all beginning with ":" through "years" on page 42, line 5.

Mr. YATES. Mr. Chairman, the purpose of this amendment would be to strike language from the bill which would have limited the Forest Service's ability to increase timber sales levels unless receipts from prior year sales exceeded the cost of those sales. It is a very serious issue. The committee believes that this must be addressed more adequately by the Forest Service.

I received a call, however, from the chairman of the Committee on Agriculture, who indicated that a subcommittee of his committee was studying the subject and he would perfer that, inasmuch as the language is legislation, his committee be given the opportunity to deal with it.

□ 1740

Our committee believes that the Legislative Committee should deal with it and therefore we offer this amendment to strike this provision from the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WALKER

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

The portion of the bill to which the amendment relates is as follows:

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $485,494,000 to remain available until expended: *Provided*, That for the base State Energy Conservation Program (part D of the Energy Policy and Conservation Act, sections 361 through 366), each State will match in cash or in kind not less than 20 percent of the Federal contribution: *Provided further*, That pursuant to section 111(b)(1)(B) of the Energy Reorganization Act of 1974, as amended 42 U.S.C. 5821(b)(1)(B), of the amount appropriated under this head, $26,000,000 shall be available for a grant for basic industry research facilities located at Northwestern University without section 111(b)(2) of such Act being applicable.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 48, in line 10, after the word "contribution," strike the semicolon, insert a period, and strike the balance of line 10 through line 16.

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

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

There was no objection.

Mr. WALKER. Mr. Chairman, what this amendment does is strike out language which is in the bill which would set aside $26 million for a basic industry research facility at Northwestern University. While I am certain this is a project that is meritorious, I am certain that the money would be well spent at Northwestern University, it raises a very troubling issue that has been raised on the floor before and I think is a growing menace to the process of attempting to assure that there is peer review of research projects taking place within our academic community.

In this case, Northwestern University is being singled out for a $26 million program that has not undergone peer review in any way, shape or form. That bothers me, because what we are saying is that we are taking money out of our research budgets, setting aside money for particular universities that have not necessarily been shown to be the most meritorious projects in the country.

This amendment, No. 1, would save $26 million, but more importantly, it seems to me would keep the faith of the peer review process which I think is vital if we are to protect ourselves from having all research labs, all research facilities at universities, become political footballs on the House floor. We have seen this specter raise its head in a number of instances already. This is one more example of where we are making academic decisions in a political atmosphere. I am disturbed by that. I think that it ill serves the long term good of research in this country, and so I would ask for the approval of the amendment.

Mr. YATES. Mr. Chairman, I am opposed to the amendment.

The committee examined this matter very carefully, and while there is some merit to the argument of the gentleman from Pennsylvania, in this instance the committee found that there was special need for the appropriation and approved it.

I hope that the amendment will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The amendment was rejected.

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

Mr. Chairman, I do so for the purpose of engaging the chairman, the gentleman from Illinois [Mr. YATES], and the ranking member in a colloquy with regard to disaster areas.

Mr. YATES. Mr. Chairman, if the gentleman will yield, I would be happy to engage in a colloquy with the gentleman, resplendent as he is in his white suit.

Mr. RUDD. Well, this is not the first time.

Mr. YATES. We hope it will not be the last.

Mr. RUDD. The problem has to do with the excessive rainfall downpours that occur in the West, rapid melting of the snows, unusually heavy from the snowpacks there, and severe flooding in Arizona, California, New Mexico, and Utah, which cause very severe damage in those areas on Forest Service land. The greatest damage was inflicted on transportation systems. Much of the damage, however, as the committee has received in testimony, has been eligible for relief funds from the Federal Highway Administration.

Some repair work has been done, but the Forest Service has identified repairs totaling $18.7 billion that must be financed through regular appropriations and which have not yet been initiated. Without these repairs, damaged roads and trails will remain closed, impairing timber output in the various areas, mineral activity, access to dams, range allotments, recreation areas, extensive damage to channels

caused by debris, jams, clogged channels. All of this has caused great damage and, of course, the water quality will be diminished.

The Forest Service has not officially asked for these funds, but the people on the local scene have indicated that they need these funds in order to proceed.

The committee has added some $3 million from the administration's budget request to aid in that repair work.

But the question, Mr. Chairman, with the gentleman having full knowledge that these funds are desperately needed, would it be agreeable to the gentleman and to the committee to urge in every way possible that the Forest Service should be required to request funds for rapid repair work wherever it is needed and that they give full priority to the damage caused by the severe flooding, especially to bridges that were knocked out and to the repair of roads.

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

Mr. RUDD. I yield to the gentleman.

Mr. YATES. I agree that the Forest Service should request whatever funds are required to meet these high priority needs and should use available funds to meet the highest priority needs whenever possible.

I would point out to the gentleman that I hope he votes against the amendment to be offered by the gentleman from Pennsylvania for a 4-percent cut, because that cut will affect these funds.

Mr. RUDD. Well, I will let the gentleman from Pennsylvania respond to that. I yield to the gentleman.

Mr. McDADE. Mr. Chairman, first let me congratulate the gentleman from Arizona for his foresight in bringing this to the attention of the committee. Certainly no one who serves on the subcommittee could be unaware of the importance of taking care of areas of our Nation that have been damaged because of floods, and so forth.

I want to assure my friend that this member of the subcommittee, and I assume based on past records perhaps other members of the subcommittee will be willing to make sure that the Forest Service takes care of the problem.

Let me point out to my friend that there is about $261 million in the bill uncontested for construction by the Forest Service.

There is an additional enormous amount of money for general operation and maintenance, hundreds of millions of dollars, both of which will adequately take care of the gentleman's problem, as it will take care of the resources of this Nation in fine fashion after we make the bill eligible to be passed into law by enacting the 4-percent cut that I intend to offer.

Mr. RUDD. Well, I appreciate the gentleman explaining that in such a manner that it is very understandable to all those who are listening. I appreciate the hard work the gentleman from Pennsylvania has done and I wish to commend the chairman for the fine work that he does constantly and continuously on this bill and on the Appropriations Committee.

I thank the chairman.

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

Mr. RUDD. I yield to the gentleman.

Mr. YATES. Mr. Chairman, in the face of those encomiums, I hope the gentleman will certainly vote with the gentleman from Illinois.

Mr. RUDD. I thank the chairman for his attention. I yield back the balance of my time.

AMENDMENT OFFERED BY MR. YATES

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

The portion of the bill to which the amendment relates is as follows:

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, $267,588,000, to remain available until expended, and $7,800,000 to be derived by transfer from unobligated balances in the fossil energy construction account, and $3,000,000 is to be derived by transfer from amounts derived from fees for guarantees of obligations collected pursuant to section 19 of the Federal Nonnuclear Energy Research and Development Act of 1974, as amended (42 U.S.C. 5919), and deposited in the Energy Security Reserve established by Public Law 96-126: *Provided*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

The Clerk read as follows:

Amendment offered by Mr. YATES: On page 47, line 12 after "expended," delete through "account" on line 14 and insert the following: "and $39,196,000 to be derived by transfer from unobligated balances in the "fossil energy construction" account, $5,800,000 to be derived by transfer from the account in Public Law 96-126 (93 Stat. 970 (1979)) entitled "Alternative Fuels Production", $2,500,000 to be derived by transfer from unobligated prior year balances in the energy production, demonstration, and distribution account".

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

The CHAIRMAN. Is there objection to the request of the gentlemen from Illinois?

There was no objection.

Mr. YATES. Mr. Chairman, this amendment clarifies in the bill the action taken by the committee to use unobligated balances from other accounts to offset the fossil energy research and development appropriation. It adds no new budget authority, but it does include transfers from other accounts as requested by the administration.

Specifically, the following transfers are included in the amendment:

Fossil energy construction: $39,169,000.

Alternative fuels production: $5,800,000.

Energy production, demonstration, and distribution: $2,500,000.

The fossil energy construction amount is made up of these items:

SRC-II: $33,901,000.

SRC-I: $4,000,000.

High-Btu gasification: $1,280,000.

Low- and medium-Btu plant: $15,000, for a total of $39,196,000.

In each of these fossil energy construction transfers, the appropriations were made for large scale demonstration and pilot plants that are no longer contemplated. This transfer makes it possible to use these funds for other projects as requested.

It is in the interest of efficiency and economy that we propose this amendment.

□ 1850

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. YATES].

The amendment was agreed to.

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

Mr. Chairman, I would like to take this opportunity to thank the distinguished chairmen of the Interior Appropriations Subcommittee and the full Appropriations Committee—Mr. YATES and Mr. WHITTEN—for their outstanding leadership in bringing this legislation to the floor today.

I know I speak for many of my colleagues from the various coastal States when I express my strong support for the provisions in H.R. 5973 which would extend the current exemption of certain economically, environmentally, and strategically sensitive areas offshore California and New England from oil and gas leasing until September 30, 1985. A similar moratoria was included in the Interior appropriations bill for fiscal year 1984, and I am pleased that the committee has once again seen the wisdom of maintaining the status of these unique areas.

Of the 1 billion acres currently eligible for lease on the Outer Continental Shelf [OCS], only 4.6 percent would be affected by the leasing moratoria contained in H.R. 5973. In terms of hydrocarbon resources, the Department of the Interior has estimated that these sensitive areas contain only 5.7 percent of the oil and gas on the entire OCS.

In the North Atlantic, these tracts include those located off the scenic coast of Cape Cod, those within vital commercial fish spawning grounds, within lobster canyons, and in the great south channel, where both fishing and shipping traffic is very heavy. The Environmental Protection Agency itself recommended against leasing in three of these four areas. The Georges Bank moratorium is supported by 22 Members of the New England congressional delegation and affects just 9 million of the 57 million acres in the Interior Department's North Atlantic planning area.

Off the coast of California, the moratoria contained in H.R. 5973 cover similar sensitive marine environments. The central and northern California moratorium limits development in areas with low oil and gas potential and extreme biological sensitivity, like the big sur coastline. These areas also lie offshore communities highly dependent upon California's $16 billion coast-related fishing and tourism industries.

Affected southern California areas like the Channel Islands national marine sanctuary and the Santa Monica Bay lie directly adjacent to habitats for endangered or threatened species, within an area highly susceptible to air pollution from offshore development, and are contiguous to State waters permanently off limits to oil and gas development under State law. The California moratorium is supported by 28 Members of the State's congressional delegation—including both Senators—and 27 coastal cities and counties.

The limited leasing bans contained in H.R. 5973 for these sensitive marine areas are consistent with our need to expand domestic sources of oil and gas. In fact, even with the existing moratoria in place the OCS acreage leased each year has increased dramatically. The tract exemptions proposed for fiscal year 1985 contain 7.4 million fewer acres than the moratoria enacted last year, and would not affect leasing in promising areas like the point Arguello field and the Tanner and Cortes Banks. California already produces more than 1 million barrels of oil per day. In addition, roughly 45 million acres of the Northwest Atlantic—three times the area exempted from lease there—remain available for lease despite the moratorium.

Because of congressional support for a similar moratoria last year, Interior Secretary Clark has indicated some willingness to negotiate a permanent solution on the status of these areas with Congress and coastal States. While I welcome the Secretary's good intentions, there has been little substantive action to address the concerns of affected States. The most recent OCS leasing schedule for the Department of the Interior leaves no indication if and when the sensitive tracts will be leased. Furthermore, the Reagan administration continues to support the Broad "area-wide" concept of OCS leasing, continues to oppose bipartisan OCS revenue-sharing legislation, and opposes bipartisan efforts in Congress to require that offshore leases be consistent with federally approved State coastal management programs.

In additional, while it has no immediate bearing on the OCS leasing program, the President has appointed as head of the Nation's most prestigious Advisory Committee on Coastal Management Anne Burford, the former head of the EPA. Such administration actions do little to relieve the coastal States' fundamental concerns about the Federal Government's commitment to sound coastal management.

Mr. Chairman, it is clear to me that enactment of the limited moratoria contained in H.R. 5973 is essential if we are to negotiate with the Department of the Interior a compromise solution on the use of these sensitive marine areas. A negotiated compromise is clearly preferable to the persistent State-Federal litigation of the recent past, and to extraordinary legislative remedies such as leasing moratoria. I remain committed to pursuing such a fair and balanced arrangement.

AMENDMENT OFFERED BY MR. CONTE

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

(The portion of the bill to which the amendment relates is as follows)

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 179 passenger motor vehicles of which 8 will be used primarily for law enforcement purposes and of which 163 shall be for replacement only, acquisition of 184 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed 4 for replacement only, and acquisition of 45 aircraft from excess sources; (b) services pursuant to the second sentence of section 706( ) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) uniform allowances for each uniformed employee of the United States Forest Service, not in excess of $400 annually; (d) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C 2250); (e) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); and (f) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, and National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the National Forest System appropriation for the emergency rehabilitation of burned-over lands under its jurisdiction.

Appropriations and funds available to the Forest Service shall be available to comply with the requirements of section 313(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)).

The appropriation structure for the Forest Service may not be altered except as provided in Appropriation Acts.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research and technical information and assistance in foreign countries.

Funds previously appropriated for timber salvage sales may be recovered from receipts deposited for use by the applicable national forest and credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest.

Provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) shall apply to appropriations available to the Forest Service only to the extent that the proposed transfer is approved by the House and Senate Committees on Appropriations in compliance with the reprograming procedures contained in House Report 97-942.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

The Clerk read as follows:

Amendment offered by Mr. CONTE: On page 47, after line 2, insert the following:

DEPARTMENT OF THE TREASURY

ENERGY SECURITY RESERVE

(RESCISSION)

Of the funds appropriated to the Energy Security Reserve by the Department of the Interior and Related Agencies Appropriations Act, 1980 (Public Law 96-126), $10,000,000,000 are rescinded.

Mr. YATES. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

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

PARLIAMENTARY INQUIRY

Mr. YATES. Mr. Chairman, I have a parliamentary inquiry.

Is it in order for me to ask the Chair whether there are other amendments to this title? I had hoped, the reason for the question is that I had hoped that this would be the last amendment that would be offered, that there would be no other amendments that would be offered to title II. If I understand the parliamentary situation, is the gentleman's amendment being offered to title II?

The CHAIRMAN. That is correct, and that is the Chair's understanding.

The Chair also understands that there are two other amendments that

are at the desk that have not been submitted, and the Chair does not see in the House Chamber the Members who are going to offer those amendments.

Mr. YATES. Is it in order then for this gentleman to offer a unanimous-consent request that there be no further amendments to title II before we consider the amendment offered by the gentleman from Massachusetts?

The CHAIRMAN. That would not be a proper request.

Mr. YATES. That would not be a proper request?

The CHAIRMAN. That would not be a proper request in Committee of the Whole.

Mr. YATES. Has the Clerk read the amendment, Mr. Chairman?

The CHAIRMAN. The Clerk has read the amendment.

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

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. MURTHA] having assumed the chair, Mr. GEPHARDT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5973) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1985, and for other purposes, had come to no resolution thereon.

IN TRIBUTE TO FRED WARING

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

Mr. GAYDOS. Mr. Speaker, this past weekend, a giant in the music business, one of the last of the big band conductors, a man known for both his music and his ideas, died.

Fred Waring, who at 84 years of age, had capped his 68-year career by conducting a youth choral group at the Pennsylvania State University on Friday, suffered a massive stroke on Saturday and died on Sunday.

Many Americans who found peace and serenity in the music of Fred Waring and the Pennsylvanians will miss this giant of the industry, but we who represent the State of Pennsylvania will feel the loss tremendously.

And, as chairman of the Pennsylvania Congressional Delegation, I want to convey to Fred's wife, Virginia, and to his children our deepest sympathy.

It would be easy for me to recap Fred Waring's accomplishments during his career in music, but that really wouldn't say much about the man himself. And, besides, so many know how he survived changes in music trends during the 1960's and 1970's only to be rediscovered as the present age of nostalgia began sweeping the country in the early years of the 1980's.

I could easily talk about the now-famous Waring Blendor, that modern machine that foreshadowed the present explosion of kitchen appliances.

I could mention that Fred Waring's success in music surpassed performing on stage through the publications he presented to the music world—the monthly Music Journal and Shawnee Press, one of the world's largest publishers of band and choral music.

In truth, though, Fred Waring's contributions are all of the above, and more.

His efforts to keep American morale high during World War II by composing songs that made Americans proud stand out in my mind as well as in the minds of others. I am sure President Reagan considered Fred's wartime contribution when he presented him with the Congressional Gold Medal, the highest honor our Government can present to a civilian, in 1981.

Fred was a familiar person to those of us from the Commonwealth of Pennsylvania. He gave of himself generously at the Delegation's Pennsylvania Day here in Washington.

Fred Waring will be missed. But there is a lot of pride in what he accomplished over the years as well.

Perhaps Fred expressed it best himself when, before his 1980 show at Carnegie Hall in New York, he said: "I can't believe I'm going to be 80. If I'd known I'd live this long and have this much fun, I'd have started earlier."

We, too, wish Fred had started earlier. Then we could have had the fun and pleasure of more of Fred Waring.

14 AND UNDER GIRLS FROM 8TH DISTRICT OF VIRGINIA, WORLD-CLASS SOCCER PLAYERS SHINE AT "ROBBIE" INTERNATIONAL TOURNAMENT

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

Mr. PARRIS. Mr. Speaker, with the Olympic soccer playoffs now underway, I feel that this is an appropriate moment to point with pride to the very unique and outstanding accomplishments of two girls' teams from my district. Also at this time, Mr. Speaker, as we are all engrossed in the Olympics in Los Angeles, I would urge the Olympic Committee to give the most serious and constructive thinking to including girls' soccer in Olympic competition 4 years from now. This would be a logical and respectful action by the committee, and I hope my colleagues woul join me in this effort.

Mr. Speaker, if I made the flat-out claim that the best, 14 and under girls soccer players in the world live in my congressional district, I know that some of the Members would quickly rise in protest. However, let me cite the facts concerning the efforts of the Braddock Road Cyclones and the Fairfax Blazers, noting that both teams are from Virginia's Eighth District. And after relating their accomplishments, I will defer to the wisdom of my colleagues.

First, I feel it is important to point out that the "Robbie" Invitational, held each year in Toronto, Canada, is considered by most as the largest and finest invitational soccer tournament in the world. This year, held during the first week in July, the tournament hosted about 450 teams from 11 countries, 21 American States, and 7 Canadian provinces—close to 8,000 athletes.

The bottom line, Mr. Speaker, is that after all that competition from the best girls' soccer teams in the world, there was an all-Virginia Eighth District final won by the Braddock Road team 2 to 1 over the Fairfax team.

Invitations are extended to teams with outstanding records in their local leagues and are alternated yearly according to odd/even birthdays for both boys and girls. This year was the even year, but once you have won the "Robbie" cup, you have a standing invitation to return at anytime.

But the real winners of this mammoth tournament are the Muscular Dystrophy and Cystic Fibrosis Foundations. "Robbie" officials, having turned over $200,000 to the two organizations from 17 previous events, expected to add $50,000 this year as proceeds from the tournament. "Robbie" was a young Canadian player who died of muscular dystrophy.

Mr. Speaker, there were 40 teams in the 14 and under age group at this year's "Robbie" including Beverly Hills, the west coast champion, and the awesome Dallas "Sting" which at one point had recorded 102 victories in a row. The group also embraced a team from the United Kingdom and one from Grenada.

Virginia had two teams entered, and fortunately were placed in different brackets. Each advanced out of their divisions to the quarter finals as Braddock Road beat West Rouge, Scarborough; Richmond Hill, Toronto; S.E. Cincinnati, of Ohio; and Longueil, Montreal; while Fairfax downed Wexford, Canada; Burlington, Canada; K-Land of, Florida; and Pickering, Canada.

The highly touted Dallas "Sting" of Texas was upset in their division by Troy of Michigan only to see Troy lose to Beaconsfield of Quebec in the quarter finals. While Beverly Hills of Califfornia won their quarter match, Fairfax and Braddock Road moved on by defeating respectively, Scarborough

United I of Canada and Lachine of Quebec.

In the semi-finals, Fairfax took on Beaconsfield and prevailed while Braddock Road stunned Beverly Hills with a 3-to-0 victory. And so what did the Global Television Network have for their broadcast, an Eighth District All-Virginia final. I understand the video tape will be sent to the teams and at least one of our local TV stations is interested in using this in a special program.

In a hard-fought game, typical of Virginia soccer, Braddock Road won the "Robbie" Cup, 2 to 1. These two teams have tremendous respect for each other and it was interesting to note that the Fairfax goal was the first and only goal scored against Braddock Road Cyclones in the entire tournament.

Mr. Speaker, the girls are deserving of special recognition, and I will include their names at the end of my remarks. But I also must acknowledge the efforts of their fine coaches. Rick Rice of the Cyclones finds time to keep an active dental practice and is ably assisted by his wife Carolyn, who is the varsity girls soccer coach at Lake Braddock High School, and Linda Hilspeth, the goalie for the George Mason University girls' team and second-string All-American. Don Beach, the Fairfax Blazers head coach, is a gallant example of community spirit. Don suffered a serious injury on his job and currently suffers from a paralysis of his left side. He still makes sure his girls get the best despite his own handicap. He is assisted by David and Carol McCall.

Mr. Speaker, I now list the team rosters. I do hope the next Olympics will include girls soccer, and if so, do not be surprised to see some of the following names on the U.S. Team.

The Braddock Road Cyclones: Kim Alcorn, Tracy Arwood, Amanda Cromwell, Debbie Griesse, Kristine Healy, Sonya McCarthy, Kathy Nelson, Jode Osborn, Meghan Owings, Anne Porter, Patti Reeder, Cathy Reid, Emily Rice, Maureen Ross, Nancy Stengel, Laura Teter, Lori Toenjes, and Malissa White.

The Fairfax Blazers: Lora Beach, Caryn Brownelle, Sarah Bushman, Nancy Fink, Becky Joy, Kim Lawall, Terri McCall, Vicki Meginley, Peggy Melanson, Marci Michaud, Kendra Nyse, Amy Nack, Lee Ann O'Shea, Kati Steele, and Allison Walton.

SGT. RUBEN TRISTAN ALMANZA

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

Mr. ORTIZ. Mr. Speaker, I was grieved to learn this weekend of the death of a friend and former colleague, Sgt. Ruben Tristan Almanza, who died in the line of duty. Sergeant Almanza was a distinguished member of the Corpus Christi Police Department. But more than that he was a kind, caring, and dedicated law enforcement official who laid down his life while trying to protect others.

I want to extend my sincerest sympathies to Sergeant Almanza's relatives, who are deeply saddened by his death but who are proud of his accomplishments and service to his fellow man. Sergeant Almanza is survived by his wife, Irma; three daughters, Melisa, Cristina, and Jennifer; his parents, Wenseslado and Antonia Almanza; and seven sisters.

I also want to send my condolences to the members of the Corpus Christi Police Department, the mayor, and other city officials who share in the loss of this fine public servant.

Sergeant Almanza was the first city police officer to be killed since 1971. Police officers were pursuing a robbery suspect. When officers closed in to apprehend him, the suspect shot Sergeant Almanza in the left shoulder above his heart and then fired again at close range, striking the Sergeant in the back of the neck and wounding him mortally.

This tragic death grieves me and the members of the Corpus Christi Police Department greatly. Law enforcement officials share a special camaraderie that other professionals do not. As a former county sheriff in Corpus Christi, I know firsthand what it is like to start each day not knowing how it will end nor which of our colleagues will place his life on the line for his fellow man. Therefore, law enforcement officials share a special sentiment with each other. We are far more than coworkers. We are brothers in a special fraternity and members of a close family. Officers trust each other because we never know when we will be called on to risk our lives for others or when the quick thinking or selfless actions of another will save our lives.

This special closeness for each other and our concern for each other's families are two of the most strongly felt emotions of all officers. Like brothers in a family, we know that, should anything happen to one of us, the others will be there to care for, comfort, support, and guide our families.

Because I have felt these obligations and experienced these friendships, I know how deeply grieved the members of the family, the police department, and city officials are at the death of Sergeant Almanza.

I was deeply honored to have known Ruben Almanza and to have worked closely with him. As my colleagues may know, before serving in the House of Representatives I was actively involved in the fight against narcotics, which are like a cancer destroying our society and ruining our children's lives. I had the honor of working with some of the finest and most dedicated narcotics officers, including Sergeant Almanza. He devoted his life, not only to law enforcement and the protection of society, but also to stopping the trafficking of illegal drugs in our country. Ruben Almanza had a commitment to stopping this problem and served with distinction in the city's narcotics division for the past 5 years. He was well liked and respected by his fellow officers and was regarded as a compassionate and hard-working officer.

I want to extend my sympathies to his family and friends. I know that he will be remembered well and that his work will be carried on by his fellow officers. His 9 years of service to the city of Corpus Christi is deeply appreciated.

PERSONAL EXPLANATION

Mrs. LLOYD. Mr. Speaker, due to the untimely death of Mr. Joel "Jay" W. Solomon, a personal friend and nationally recognized public servant, I was unavoidably absent from the House Chamber during the consideration of House Resolution 558 and House Resolution 555. Had I been present, I would have recorded my vote in favor of both House Resolution 558 and House Resolution 555.

TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. GEPHARDT] is recognized for 60 minutes.

Mr. GEPHARDT. Mr. Speaker, I take this time to direct the attention of the House to the issue of tax reform which I believe is major issue for our country and a major issue that we will be facing through the next year.

Late in this year we will be having in the Ways and Means Committee of the House a hearing on tax reform, and I am told that also later this year there will be hearings in the appropriate committee in the other body with regard to tax reform. My great hope is that those hearings and discussions around the country will yield a national debate on whether or not we should have tax reform in the next few years.

We started with a Tax Code in the early part of this century which was a very simple and straightforward Tax Code. It was in essence a flat tax. All of the adjusted gross income of the American people was taxed at a more or less flat rate. And, of course, in the early part of this century the amount of taxes that were needed were very small compared to the amount that are taken today in terms of overall percentage of the Nation's wealth or gross national product.

As the years went by and as the defense needs of the country increased, and as other needs increased, Social Security and other needed and appropriate programs were passed, the need for additional taxes appeared. And as the Members of the House know, we went from a flat tax with a very broad base and a fairly low rate to a tax which has come to be very unflat and at a very high rate. In fact, at a very high number of rates.

Presently we have 13 brackets rather than the original 1 or 2 brackets that we started out with.

As a result of all of these changes I have come to the conclusion, and I think a number of people in the country have come to the conclusion, that we have a Tax Code which has gotten out of hand. We have a Tax Code which is unfair, which is overly complicated, and which is yielding a bad economic outcome.

Let me be more specific on each of those points. First, it is unfair. The reason it is unfair is that some people are able to take advantage of the deductions, the preferences, the advantages that have been put into the code over the years, but many people are not. In fact, the broad number of taxpayers in the middle class in our country are not able to make use of the many, many shelters and deductions and preferences that exist in the code and because they are unable to make use of those preferences they are able to pay at a fairly constant rate.

□ 1800

There are over 266 families in the country today and probably more who make over $200,000 a year in earned income, yet they pay absolutely not 1 cent in taxes.

It appears to me that that is unfair. There are people making $1 million in earned income a year and are paying absolutely no taxes, legally.

Half the income in the country, half the income that is earned in the country a year is today not subject to the income tax, because of the many preferences and advantages that have been put into the code over the years.

So I think one can conclude in looking at this code that it is unfair and that some people are able to take advantage of things that we put in the code much more than others and that because of that we treat families in very similar circumstances in very different ways, and that truly has led to a lot of, I think, unrest and concern about the way this code works.

I would like to go to the second part of my statement on taxes and say that our Tax Code is not only unfair; I think it is overly complicated. We passed a tax bill a few weeks ago and that bill was over 1,000 pages long, 1,000 pages of statute that will add further complications to our Tax Code.

The entire Tax Code today is over 2,000 pages long, which is longer than the King James version of the Bible. The regulations, if we were to bring them into this Chamber today would probably rise well above this microphone from the floor.

I submit to you and I submit to the Members of the body that there is not a human being in the world who fully understands all of the provisions of our Tax Code.

I yield to the gentleman from Oregon.

Mr. AUCOIN. I appreciate the gentleman yielding and I am very glad to see the gentleman take this special order tonight to describe the important tax reform work that he is engaging in.

I think our colleagues know that few Members of the House have spent more time, more thoughtful time on this subject than the gentleman from Missouri. I want to compliment him for the leadership he is showing on what I consider to be an exceptionally well-thought-out proposal to move this country toward, first tax simplication, but second, perhaps, a better investment climate for the economy in general.

Like him, I believe that there are a number of important questions that have to be sorted out before we reach the point of legislating the significant changes that he is talking about. He knows and other Members know that, for example, in the current Tax Code and climate one of the leading advocates of research and development tax credits so we can give a spur, an incentive to some of our sunrise industries, high technology, so forth.

Some of the significant policy questions involved in the gentleman's proposal will be whether or not there are adequate incentives across the board for everyone; sunrise and sunset industries, investors making choices, following opportunities where they may be, rather than having somebody on a tax-writing committee deciding where those best opportunities are and perhaps skewing the choices that the market might otherwise make.

It could be those advantages offset the R&D tax-credit advantage that some of us are now proposing for the existing code as it is now constituted.

I will be following the debate on this question and certainly following the leadership of the gentleman from Missouri, and paying particular attention to that particular feature of the argument and the debate, as well as others.

But I think the gentleman ought to be complimented for the tremendous leadership he has shown. I believe the tax reform, tax simplification and developing an investment strategy for this country that makes sense and allows people to follow opportunities, the greater degree to which we can follow that course is the degree to which I think we begin to prepare this country and my State and the gentleman's State for the economic future that those States and this country face.

So I want to before leaving the floor tonight, compliment the gentleman, associate myself with the thrust of his remarks, keeping in mind there are significant questions I want to follow.

I would be remiss if I did not tell the gentleman during his recent trip to Oregon in my district in which he spoke on these issues, I would be remiss if I did not point out for my colleagues that he was incredibly favorably received.

The ideas he espouses, the interest shown, impressed me a great deal. I want to compliment the gentleman for that as well.

Mr. GEPHARDT. I thank the gentleman for his statement and his leadership in trying to find the answers to that very difficult tax area and tell him that I gained greatly from being in his district and talking with his constituents about their views and their concerns and criticisms, et cetera, of the various proposals that have been propounded for tax reform.

I look forward to working with the gentleman through the coming months in trying to fashion what I hope will be a significant and important tax reform effort.

I thank the gentleman.

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

Mr. WALKER. I thank the gentleman for yielding. I, too, want to compliment him for the work he has done in the area of tax reform and revision.

I have studied a number of the proposals he developed along with Senator BRADLEY. I think in many instances they make some sense. They certainly make a good case for changing the present system. Whether or not I agree with all the details of his program, I think there are some other ways of getting to a flatter tax schedule than even the gentleman proposes that might be preferable.

But I do think that the thrust of the direction in which he is attempting to move is helpful.

I just had a couple of questions. First of all, why is it that the Democratic Platform Committee decided not to write into its proposal a specific endorsement of the fair tax proposal that the gentleman puts forward?

Mr. GEPHARDT. The decision, if the gentleman will allow, the decision was made early on that the platform would not name, by name, specific proposals, the feeling being that it would be best to write a platform that was thematic in nature and that pointed out certain principles which the party wanted to follow in the tax area.

If the gentleman read the platform, as I am sure he did, in that area, you

will note that the themes, the ideas, the principles, the philosophy that is espoused in the tax area I think identifies a set of ideas that is very much like the bill propounded by Senator BRADLEY and myself.

But it is not so specific that it is that bill and only that bill, but it identifies a series or a set of ideas that are in general accord with the ideas that are presented by the Bradley-Gephardt bill.

Mr. WALKER. Yes; for example, I think I remember the platform correctly as saying that they want to defer a portion of indexation. Now your bill would totally eliminate indexation, is that not correct?

Mr. GEPHARDT. The latest iteration of the Bradley-Gephardt bill does not continue indexing, but as the gentleman knows if you go to a flatter tax with fewer brackets, the need for indexing is lessened.

Mr. WALKER. But not eliminated.

Mr. GEPHARDT. You would lessen it but not totally obviate it.

Mr. WALKER. One other question I had of the gentleman about his proposal: Why did you decide in terms of personal exemptions to allow $2,000 for wage earners but only $1,000 for children? That would seem to mitigate against families in the proposal rather than having a personal exemption which is the same for everyone as the present Tax Code does have.

Mr. GEPHARDT. The decision we made had to do with where we felt we wanted taxes to start in terms of family income, and all of our exemption decisions and all the decisions we made with regard to deductions for preferences that we left had to do with trying to get the rates at a certain point.

Obviously if you grant more exemptions or credits or exclusions, you wind up with higher rates and with what we had left in we were able to get the rates to 14, 26, and 30 percent; as the gentleman knows, we felt if we granted extra exclusions or preferences we would get our rates higher than that and we did not want to go higher than that.

□ 1810

Mr. WALKER. If the gentleman would just yield for a moment further, the problem, though, that that gives some of us in taking a look at the specific proposal, is the fact that it does then have an impact on people with children, that it particularly favors people without children in terms of the overall structure of the tax system, but people with children get penalized if in fact you do not give an exemption, that is a person exemption, rather than based upon a wage-earner criteria.

Mr. GEPHARDT. The gentleman's point is an interesting one and one that I am sure will be often made as we go into the debate of this proposal.

My answer is that we went to the $2,000 and $1,000 figures in concert with other changes that we made in the code, other than deductions that we retained and we felt that we made any further changes that we would simply have to do something on rates that we did not want to do.

But clearly, those exemptions will be in competition with other deductions that we left when we finally get down to actually writing the bill.

Mr. WALKER. I thank the gentleman for allowing me to participate.

Mr. GEPHARDT. I thank the gentleman.

Madam Speaker, I yield to the gentleman from Ohio [Mr. PEASE].

Mr. PEASE. I thank the gentleman for yielding and I also commend him for taking the time for this special order and for the great amount of work that he has done, along with Senator BRADLEY, in the whole area of tax reform. It has been very, very helpful to the national debate which is ongoing and certainly will continue into 1985 at a renewed level of intensity.

Tax reform involves a couple of things. Certainly reform of the whole tax structure, as the gentleman from Missouri has beeen working on, is an important aspect of it. The whole idea of simplifying the Tax Code or reducing a number of brackets, cutting out some of the current exemptions, is very appealing to the average constituent. I certainly find that in my own district.

So I think the gentleman is doing a very important work in that regard. Not, I would say, without an uphill battle in terms of eliminating those exemptions that have been in the code for a long time.

I would also like to commend the gentleman for joining me and other Members in another aspect of tax reform and that is reducing and eliminating some of the longstanding tax loopholes, not only for individuals, but also for corporations, which have grown up over the years in the Tax Code and which contribute to making it as high as the gentleman has described it being.

I well remember the excellent assistance that the gentleman from Missouri gave to me and other tax reform-minded Members last year and also earlier this year in consideration of what became the Pease-Gephardt-McHugh-Moody amendment which would have been offered to House bill 4170 and which had the purpose of trying to make the Tax Code more fair in the eyes of the average citizen, keeping in mind that we do have essentially a voluntary system of taxation and that it is crucial that the ordinary citizen feel that he is being treated fairly when it comes time for him to decide whether or not to be fully honest in making out his own tax return.

Of course that amendment also would have had the purpose of reducing the Federal deficit and last year of meeting the requirements of the House-passed and Senate-passed budget resolution for raising a certain amount of revenue and this year for going beyond the savings or the revenue figure that was in the budget resolution and reducing the deficit even beyond the $182 billion over 3 years, which was contemplated in the House-passed budget resolution.

The gentleman from Missouri was extremely helpful in fashioning that amendment and in getting it as far as we did. As the gentleman knows, once the budget resolution was adopted and did not call for additional revenue beyond the amount that was already in the House bill 4170, the rationale and the impetus for our particular amendment, at that time, was gone. But I am sure the gentleman joins me in a continuing commitment to the elements of that amendment as we look ahead to next year and an even greater requirement than we have had thus far to reduce Federal deficits as a way of literally saving our economy.

I would hope that the gentleman would grant in his own bill on tax reform essentially deals with reform and does not speak particularly to raising revenue, that the purpose of the bill is not particularly to raise more money, but to simplify the way in which we do raise it. Next year we will be looking at not only simplification, not only closing off tax loopholes, but also with the need for raising additional revenues to reduce the deficits. And my own feeling, in that regard, is that it is very important that we focus on those measures which could increase revenue which make our tax system more fair and more progressive and which balance out some of the inequities which were introduced into the Tax Code by the 1981 Tax Act.

It disturbs me that many people when they talk about the tax bill next year as a way of reducing the deficit talk about things like a national sales tax which would be regressive and the value-added tax, which would also be regressive, or a consumption-based tax, which very likely would be regressive.

It seems to me that rather we need to be focusing on measures like a progressive income tax surcharge or something like that which would raise additional revenues, but also do it in a way that would offset some of the regressivity that was built into the 1981 Tax Code.

Finally, as a fourth element, I would hope that we could all keep in mind the need to do something about corporate taxation. We are focusing a good

deal on individual taxation, certainly in terms of tax simplification that is important, but the fact is that the 1981 tax bill was extraordinarily generous to corporate America. In many respects, really, overdid tax breaks for corporations.

If we are going to talk in terms of a perception of fairness among the American people, part of that has to be addressing the corporate income tax and various deductions and exemptions that corporate America enjoys so that Americans once again have the feeling that their tax system is fair.

In 1980, as I recall, corporations were paying about 13 percent of all the revenues to the Federal Treasury, less than half of what they had been paying 30 years before. In the 3 or 4 years since 1980 that figure has dropped from 13 percent down to 8 percent. Indeed, many sectors of corporate America are paying in negative income tax. Chemicals, the banking industry, and others not only do not pay taxes, they get money back from the Federal Government at the end of the year, despite the fact that they have apparently substantial profits.

So, that area, I think, needs a lot of attention also.

I am delighted to have a couple of minutes to add my thoughts in my support for the efforts of the gentleman from Missouri. I am certainly grateful for his leadership in this area. I hope he keeps at it. I pledge my own support for his efforts.

□ 1820

Mr. GEPHARDT. I thank the gentleman for his fine statement.

Madam Speaker, I yield to the gentleman from California [Mr. BROWN].

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

Madam Speaker, as any one of us here can tell you, our present tax structure is complicated, inequitable, and badly in need of reform. In the past, many have submitted proposals in the guise of tax reform, but invariably these have led to an even more complex and unfair system.

The very foundation of our tax system—honesty and self-compliance—are being eroded as more and more people lose faith in our system. Our tax system, and its unusually high compliance rate, used to be the envy of the world. But by 1981, the Internal Revenue Service estimated total unreported legal sources of income at about $250 billion. Our tax laws had become so complicated that about 41 percent of all taxpayers had their returns prepared that year by lawyers, accountants, and other tax professionals. Only about 33 percent of all taxpayers itemized their deductions. Some taxpayers were so intimidated by the standard deductions that they hired a preparer.

Professional tax assistance, in fact, is estimated at well over $1 billion, and directly employs 150,000 people. While these professionals generally do a good and honest job, the U.S. tax system has always depended on self-assessment—people figuring out what they owe and paying up voluntarily—albeit grumbling all the way. If millions of Americans can't figure out their own tax liabilities, the foundation of that system is seriously undermined. Complexity goes hand-in-hand with the perception of unfairness.

We have before Congress a proposal which I believe will remedy both the complexity and inequity of our present system. The "Fair Tax," proposed by Senator BILL BRADLEY and Representative DICK GEPHARDT, would have a tax rate of 14 percent for those individuals earning $25,000 or less, and couples earning $40,000 or less. Affecting 80 percent of the population, this wide-band tax bracket would have a flat tax effect. Only a few items would be deductible: home mortgage interest, charitable contributions, medical expenses, and child care, among a few others. Nearly 70 percent of all taxpayers will pay less because more people will be paying a fairer share of the tax burden.

While the same deductions would apply, Americans earning more would pay 26 or 30 percent depending upon their total income. For some, it would be considerably more than they are presently paying. In 1981, according to the Internal Revenue Service [IRS], 226 American families reported incomes of more than $200,000 and paid not 1 cent in taxes. The respected Brookings Institution has reported that the average effective—and legal—tax rate for people earning more than $1 million a year is only 17.7 percent—less than many middle-class families pay who must make up the revenue loss.

The biggest change in law would be the closing of the over-abundance of tax subsidies, loopholes, and shelters. Taken individually, each tax exclusion has at least one logical and noteworthy objective—and I admit that I have supported many in my time. But in the aggregate, they are undermining our entire system. Tax shelters tend to feed one upon the other because most tax shelters don't really allow a taxpayer to avoid taxes altogether. They only enable him to put off the time of reckoning to a later year. In order to avoid future taxes, he must invest in yet another tax shelter, perpetuating the situation indefinitely.

The resulting array of preferential tax provisions has many negative effects. Tax shelters cost the Treasury revenue, and thereby keep tax rates high in order to raise the necessary funds for Government. They unfairly benefit those Americans who can take advantage of them compared to those who can't. In addition, the system perpetuates inefficiency. It encourages people to lose money for tax reasons, making investments that do not contribute to U.S. competitiveness. In 1983 tax shelters soaked up more than $14 billion in investment capital. The IRS estimated that those shelters cost the Federal Government—and other taxpayers—more than $3.5 billion in lost revenue, to say nothing of the lost jobs could have been created if that $14 billion had been put to productive use.

Our system of tax subsidies leads to inefficiency in the allocation of capital. It also endangers our prospects for economic growth, full employment and our ability to compete in international markets. Such a system as ours only intensifies the danger that special groups will take care of themselves at the expense of the general welfare. For both our prosperity and well-being as a society, we need a tax system that puts the general interest first.

There is nothing wrong with people getting rich; in fact, it's good for both them and the country. But there is no reason why wealthy people should be enriched further with gimmicks whose general costs are hidden at the expense of high rates for the rest of us. In addition, the Treasury loses so much revenue as a result of these deals that the ultimate effect is simply to increase the budget deficit, putting upward pressure on market interest rates—interest rates which are again threatening our economic prosperity.

The "Fair Tax" is a plan to close tax loopholes and reduce tax rates—together. It does not pander to any one group; it touches just about everyone's loopholes, and it lowers everyone's tax rates. So it increases everyone's incentives to work, invest, and save, which is good for the economy. And it determines everyone's taxes at low, fair rates, without loopholes for some people to duck their fair share, which is good for the country, good for Americans.

Madam Speaker, we here in Congress have wasted hour after hour debating the merits of one tax package after another, particularly in recent years. And year after year, we have enacted so-called tax reductions and tax increases. But the perception remains throughout the Nation that the tax system helps those who help themselves—the rich get richer, the poor get benefits, and the middle-class gets taken. I urge those of my colleagues who have not yet endorsed the "Fair Tax" to do so; and I urge this body to not only legitimately consider the proposal but to enact it into law. The time is now, before the system becomes so corroded that it is beyond redemption. Thank you, Madam Speaker.

Mr. GEPHARDT. I thank the gentleman very much.

Madam Speaker I yield to the gentleman from West Virginia [Mr. STAGGERS].

Mr. STAGGERS. I thank the gentleman for yielding.

Madam Speaker, I would like to compliment the gentleman from Missouri for his leadership and work on tax reform.

Our colleague from Ohio talked about deficit reduction. It is my opinion, and I am sure the opinion of many others, that before we talk about deficit reduction we need to restore the faith of the American people in our tax system. I think it is imperative to restore just this basic fairness. I am convinced that the gentleman's tax plan is a good step in restoring that faith.

It is my understanding that the gentleman's tax plan would have a tax cut for 70 percent of the American people, an actual tax cut, in the reformation of the tax system. So I think it is a good step. I do compliment the gentleman, and I thank him for allowing me to take part in this discussion.

Mr. GEPHARDT. I thank the gentleman very much for his fine statement.

Madam Speaker, I yield to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Madam Speaker, I want to commend the gentleman for the leadership that he has provided on this whole issue of tax simplification and reform.

It has been an issue that we have talked about for an awful long time around this institution. It seems like it has been years of debate on the whole issue of plugging loopholes and trying to deal with the inequities of the Tax Code.

But I am afraid that every time we deal with taxes it is the same old story. What happens is we wind up dividing the pot up, plugging a few loopholes here, and then opening a few dozen other loopholes there, because that is the nature of the system that we are dealing with.

And I am afraid that the American public is not going to support that kind of approach any longer in dealing with the tax structure of this country.

The reason that is going to happen, I think the pressure point on all of us is clearly the deficit issue. Whoever is elected President is going to have to face up to that issue. There is no way around it. Whether it is a Democrat or a Republican, the issue of the deficit is going to be pervasive in the next session of Congress. There are only so many ways, we know, to deal with that issue, whether it is controlling the growth of entitlements or controlling the growth of defense or dealing with revenues, it is going to take all three if in fact we are going to try to provide some control on the deficit issue.

But we cannot deal with the revenue area unless we address this issue of tax simplification and reform. We are not going to be able simply to come back with a whole series of either new taxes or old taxes or revisions of existing taxes and expect the American public is going to be satisfied with that. We have a responsibility to address the problem of the Revenue Code itself. We are going to have to do that.

I do not think the public is going to tolerate special interests dividing up the pie anymore. I do not think the public is going to tolerate our use of the revenue area to continue to try to do things with revenues that we do not have the guts to do directly; and that is the unfortunate thing, as I think we have misused the Tax Code to try to fulfill goals that, frankly, should be fulfilled in other ways. It has now become, instead of an obligation that people feel that they have to this country, almost a game in which people are able to escape that burden and that responsibility. If they can afford a good accountant or a good lawyer, they are able to do that.

We have created a bureaucracy to try to make sense out of it, and we are now in the strange situation where, if we want to provide additional revenues, we have to add another 5,000 or 10,000 Internal Revenue agents in order to do the job. So we need this kind of massive bureaucracy now to implement the intricacies of the system that no longer make sense.

I think it is for all of those reasons that the American public is going to say, "Stop." You have got to deal with this system from the bottom up. And I think that the proposals that the gentleman has offered in the Fair Tax Act, the other proposals that have been submitted in recommending a simplification of our system, have to be debated, have to be faced up to. We cannot talk about this any more. The time, it seems to me, for action, is long past. And hopefully, in dealing with this deficit issue, whatever administration comes to office, they will face up to this challenge. I know that with the leadership of the gentleman from Missouri, no President, no administration, ought to escape dealing with that challenge. I commend the gentleman for what he is doing here, and I hope to join with him in the efforts to ultimately bring some commonsense to our tax structure.

Madam Speaker, I am pleased to take part in this special order on the subject of income tax simplication and reform. I want to commend the gentleman from Missouri [Mr. GEPHARDT] not only for leading this discussion but also for the overall leadership role he has played in developing this issue.

It is clear that this issue, which has been building among the public for a long time, has finally reached the light of day and could be one of the fundamental questions to be debated in the coming election campaign. I applaud this development. In my view, it can have only a healthy effect. I have felt strongly for many years that one of the most fundamental changes needed in the laws of this country is comprehensive reform and simplification of the Tax Code. It appears now that whoever wins the 1984 Presidential election will be committed to significant overall tax reform. It is most important that the debate begin on the nature of that reform.

To tax and to please is not given to men.

Edmund Burke once said. But our Tax Code is probably far more complex and irrational a set of laws than even Burke could have imagined. The Internal Revenue Code is riddled with an ever-growing number of deductions, credits, and exclusions, many of which amount to little more than outrageous tax loopholes and others of which cause tremendous economic distortions.

One reason for this increasing complexity is, of course, simple greed. Businesses and interest groups who want to obtain special tax breaks have consistently worked to convince Congress and the administration that they are deserving of these breaks, and Congress and the administration have often gone along.

An additional reason, considerably more justified but perhaps equally troublesome, is the continual use of the code as a vehicle for achieving societal goals. While most of us might agree with these goals, the laws taken together are a tangled mess, making it extremely difficult for most taxpayers to understand their rights and responsibilities.

In addition, the current system encourages individuals and businesses to direct their resources toward investments and spending which have little economic or productive value other than reducing their tax burden. The use of legal tax shelters costs the Government billions of dollars annually. And there can be little doubt that at least part of the growth of the illegal underground economy can be attributed to the complexity and irrationality of the Tax Code.

The complexity of our tax laws has also led to the growth of an Internal Revenue Service bureaucracy which is virtually forced by the ambiguity of the laws to establish arbitrary rules and regulations in order to carry out its enforcement responsibilities. In addition, this ambiguity has given individual employees an unfortunate amount of power over taxpayers, since they have considerable leeway in judging specific individuals and businesses and their tax situations.

Finally, of particular importance at this time is the fact that tax breaks used to achieve societal goals—or tax

expenditures—create a strain on the Federal budget that is practically concealed, since we often do not quantify the costs of these provisions. This is certainly true once they are written into the law. The burden is similar to that imposed by entitlement programs in that once a tax break is enacted, Congress cannot determine from year to year how much it is willing to lose in revenue in order to finance it. Eligible taxpayers are legally entitled to their deductions, no matter what the cost. The Treasury Department has estimated that 33 of the major tax deductions—for individuals alone—give up more than $150 billion in lost revenues. This is a burden that was distributed to other taxpayers. Certainly, we have to wonder whether this is a good or fair system.

I believe we need to create a simple, rational Tax Code. I have introduced a comprehensive income tax simplification proposal in this Congress, as well as the two previous Congresses, which I believe has been a good starting point for the debate on this issue. Obviously, the gentleman from Missouri has introduced different legislation on this issue, as have others. Indeed, I am a cosponsor of the Fair Tax Act. But I would like to discuss briefly my own bill, H.R. 2520.

H.R. 2520, the Income Tax Simplification Act, would eliminate virtually all deductions, credits, and exclusions, and it would establish an 18-percent tax on individual and corporate income. In addition, it would provide for a substantial personal tax credit, replacing the current personal exemption, to ensure fairness. The personal credit would, of course, be subtracted from tax owed, not from gross income. The credit would be $1,000 for a taxpayer, $1,000 for a spouse, $200 for each dependent, and $200 for every blind or aged member of the taxpayer's household.

To illustrate, a family of four with an income of $25,000 would do the following: First, they would calculate 18 percent of $25,000, which is $4,500. Then they would subtract their tax credits from that amount. In this case, the credits would total $2,400—$1,000 plus $1,000 plus $200 plus $200. The result would be $2,100—$4,500 minus $2,400, and the couple would owe this amount in taxes. Effectively, a family of four would receive the equivalent of a $13,333 exemption; a couple with no dependents would receive an exemption of $11,111. My bill is designed to raise approximately the same revenues as are raised under current law.

Legitimate concerns have been raised about income tax simplification which I would like to address. One is that we need these tax deductions and credits to encourage or make possible certain activities by millions of Americans, such as charitable giving and the purchase of homes. I certainly sympathize with this argument and fully recognize that Congress will never eliminate deductions such as the one for charitable contributions and the one for interest on home mortgages. While my own bill would eliminate these deductions, I introduced it in this manner because I felt it was important in designing a new system to start with a clean slate and work from there rather than beginning with some deductions already written into the law.

Another serious concern, and one which must be given particularly close attention in the enactment of any tax reform proposal, is the potential impact on low- and middle-income taxpayers of a single-rate tax. I do not support the shifting of a major part of the tax burden from upper-income taxpayers to low- and middle-income taxpayers. This is why I have included in my legislation a very substantial personal tax credit. As I have already noted, a family of four would pay no tax at all on its first $13,333 in income. It is very important for the Treasury to study the distributive impact of any tax reform proposal very carefully to ensure that low- and middle-income taxpayers do not end up paying a greater share of the tax burden than they do already.

Again, however, I would like to state emphatically that, of the other tax simplification proposals that have been introduced in Congress, the one with which I have the greatest agreement is the bill introduced by the gentleman from Missouri. I believe the Fair Tax Act attempts to resolve some of the most difficult problems raised by income tax simplification and still achieves major and welcome reform. While it is not the clean slate that I would start with, it veers from that clean slate in the best possible ways, preserving only the most valuable tax deductions and establishing only three tax brackets to ensure fairness.

It seems right now that the movement for income tax simplification and reform is picking up a head of steam that could make it one of the top domestic priorities for the next Congress and administration. I believe we need to work together to produce legislation which establishes a simple, rational, and fair system of taxation which helps to restore the trust of the American people. I hope the Ways and Means Committee will hold hearings on this issue before the end of this Congress so that we can get a start on this vital debate. I hope this special order will have some effect in bringing about that debate, and I want to thank the gentleman from Missouri once again for yielding to me and providing this time.

Mr. GEPHARDT. I thank the gentleman for his fine statement.

Madam Speaker, I yield to the gentleman from Iowa [Mr. BEDELL].

Mr. BEDELL. I thank the gentleman for yielding.

Madam Speaker, I had not planned to speak, but I noticed that this special order was on. The main reason that I am here is to point out that just yesterday the House passed legislation to make it possible for small businesses to get pollution control tax-exempt financing, just as big business can get such financing. Everyone should be aware of the fact that if it were not for the efforts of the gentleman from Missouri in previous legislation, small business would not have this opportunity. And it is because of the gentleman's efforts that it now appears we may be able to change the system so that small business has the same opportunity that big business does to get tax-exempt financing of this type and will be able to compete on equal terms. I wanted the gentleman to know that I certainly appreciate the work that he did in this effort, and I hope that small-business people across the land will be aware of the fact that it was through his efforts that we were able to take the steps necessary in order that we could then take the next step yesterday in order to finalize this effort, we would hope.

But the gentleman also should be commended very much for his efforts in regard to what he is doing toward tax simplification and improvements in our Tax Code. One of the things that the gentleman would do would be to minimize the number of loopholes that exist at this time.

If I could take a minute or two, I would like to point out one problem that exists with loopholes that everyone may not be aware of. Through the efforts of my Small Business Subcommittee we were able to get the Treasury Department to change their ruling which closed a $200 million per year loophole that Arco Petroleum was using in the pricing of their oil from Alaska as they brought it in to California. The situation is that we have a windfall profits tax of 70 percent on increases in the value of oil as a result of deregulation.

□ 1830

The oil companies own the Alaska Pipeline. Therefore, every dollar they can charge themselves of extra cost for transporting the oil from the well to Alaska enables them to avoid nearly 70 cents of taxes per dollar that they charge because the value of the oil at the wellhead in Alaska is determined by taking the value at the refinery and subtracting the transportation charge.

FERC, the Federal Energy Regulatory Commission, is a commission that is supposed to regulate pipeline charges. They have had this before them for 6 years. They have refused to set a tariff on the Alaska pipeline charges, and in the hearings before my

subcommittee, they said it would be at least another year.

Let me explain some of the accounting practices used by some of the oil companies in determining the rates they can charge themselves on those pipelines. If you took $100 million and borrowed $900 million to build a $1 billion pipeline, they determine the rate of return not on their investment of $100 million, but they deduct the interest on the $900 million and then say the rate of return can be on the value of the pipeline, which is $1 billion. So that they can make a $100 million investment, get a rate of return of 14 percent on the value of the pipeline, and get back $140 million per year on what their actual investment has been.

They not only stop there, they then can say that the oil companies can deduct depreciation on that pipeline, but they do not determine their return on the depreciated value of the pipeline, they determine the return on the appreciated value of the pipeline because of inflation and it would cost more to build at a later date.

In addition to that, they also, instead of deducting the taxes they pay, deduct the taxes that the charts show they should have paid, and normally those are something like three times what they actually pay because of the deductions they are able to take. Then when they get the oil to Valdez to ship it to California, they say that if they will take—and it has to go to the United States; they are prohibited from sending it to a foreign country. If they will take it outside the 200-mile limit, that then they will be able to consider that a foreign shipment, and they will not have to pay domestic taxes on that shipment because they got outside the 200-mile limit.

The revenue is so great on that transportation—the law, by the way, says that it has to be shipped on unsubsidized ships—the revenue is so great, that subsidized shipping companies have asked the administration to be able to return their subsidy so they could compete with it, and the administration has refused to let them return the subsidy.

It is estimated that this tax loophole is costing the Federal Treasury somewhere between $600 and $800 million per year. I thought it should be explained so that people would realize the importance of the gentleman's legislation and the importance of moving to see that we do simplify the Tax Code, and we do not have these types of loopholes that are costing us such tremendous amounts of money at times when we have such a big deficit.

I again commend the gentleman for his work in this effort.

Mr. GEPHARDT. I thank the gentleman for his statement and for his leadership in the Small Business Committee in trying to fashion a fair Tax Code, and one that will treat small business the same way we have historically treated large and big businesses, and I truly appreciate the efforts the gentleman has made and appreciate his statement.

I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank the gentleman from Missouri for yielding, and also I have come to compliment the gentleman on the outstanding leadership on this very important area of what is the right way to have a proper revenue code for this country.

I have joined as a cosponsor of the Bradley-Gephardt legislation because I think of all the approaches that I have been studying, that proposal gives us the best chance for equity; the best chance for a code that all of us can understand. The best chance for fairness within our Tax Code. I, over the last couple of weeks, have been reading and trying to understand all the complexities of a tax revenue increase that I voted for a couple of weeks ago, and I am still trying today, for instance, to really understand the way the imputed interest is really going to work, and on down the line.

I was thinking, here we are talking about a $50 billion, 3-year "revenue enhancement" bill. I used that term since the incumbent would not sign a bill that was a tax increase. A revenue enhancement bill for $50 billion with all of those complexities within that, where in world will we be next year and the following years as we go into these needs for many more revenue enhancers, and what is the right way and the wrong way to do it.

What is happening, of course, around this city all the time now is those who represent the various different interests that want to have exemptions and more exemptions within the Tax Code are saying, well, maybe we should look at a sales tax, called a value added tax, because they know it is coming. So they are talking about, well, we know it is coming, so what we had better do is get in the forefront and figure out a way by which we can have more of a tax on the traditional, middle-income taxpayer in this country that is paying that large burden now, and so let us go for this very good-sounding thing called an ad valorem tax, or a value added tax which is really a sales tax, because if we do not head this off, the great need for revenue next year, the great need for revenue at this time because of the tremendous problems of the deficit means that we might actually accomplish some improvement of the Tax Code such as the Bradley-Gephardt bill, which is a bill that would give us a fair, equitable, understandable way by which to raise revenue.

I really compliment the gentleman for his efforts on working on the right way. We have a fair, equitable, understandable Tax Code in this country rather than going along with those that really are looking at the way by which to even make it worse than it presently is.

I compliment the gentleman.

Mr. GEPHARDT. I thank the gentleman for his fine statement and look forward to working with him in trying to actually achieve tax reform in our country.

I would like to conclude my statement tonight by addressing the third question that I think the fair tax bill and other bills try to address, that is the problem of the economic outcome of the kind of Tax Code we have today.

Through the years, as I have said, the Congress has added different tax incentives or preferences or advantages, whatever you want to call them, to try to achieve certain economic outcomes. Each of them, in isolation, has been a good idea; it was a good idea to try to get people to invest money on stocks and bonds, and so we tax stock and bond income at a lower rate so that people would put their money into those vehicles.

It was a good idea to try to get people to put storm windows on their houses and so a few years back we said if you will put a storm window on your house or a storm door on your house, we will give you a tax credit in order to help induce you to do that. It was a good idea, some years ago, to give people special tax treatment if they would invest their money in certain real estate ventures in order to get people to build apartments and to build houses and for people to invest their own earnings in buying a house or renting an apartment. I could go on and on down the list of the hundreds of tax preferences that we put in the code, each of them, in isolation, being a good social and even economic idea.

The problem is that because of the addition of more and more tax preferences, we are now at the point in America where Americans, whether they be businesspeople or just individuals, are paying more attention to the tax consequences of what they do rather than paying attention to the economic consequences. We have people seeking out tax help for every move they make, and we have people making decisions and investments and business investments, and even personal decisions based more on what happens to them taxwise than what will happen to them economics-wise.

There are more people involved in the tax preparation industry in America today than we have in the Army and the Air Force Reserve combined.

□ 1840

Each year as the number in that industry grows, the number of Americans that are involved in what I call a

paper chase grows. They are not creating real wealth. They are not really creating jobs in other industries. They are simply adding jobs to advise people how to beat Uncle Sam out of a few more bucks so that their constituent or their customer will feel assured that they have gotten every tax break that they can possibly get, so that their neighbor or their relative will not have gotten ahead of them in trying to figure out how to better game the code.

So I say that on these three grounds, this code is flawed and desperately needs to be changed. It is unfair. It is overly complicated. And it is creating bad or wrong economic outcomes. I submit, therefore, that for all of those reasons, our country would be better served if we went to a simpler and fairer code with a broader base, kind of back to basic the way it more or less was in 1913, with lower rates and fewer rates, which I think will give people the sense that the code is something they can deal with personally and something that gives them the kind of economic incentives that we really need.

Now, the bottom line is whether or not you can do this legislatively. Everybody seems to be for it in principle, but everybody quickly adds that it is probably not possible legislatively. Let me say that in the last few months, as I have been talking about my proposal and about simplification of taxes generally, I have noticed a ground swell of popular interest in tax reform, in basic, substantial tax reform.

I have no illusions about the difficulty of doing this. I have no illusions about the fact that hundreds of special interests, with their highly paid lobbyists, will be here to try to frustrate and defeat any effort for tax reform. But I am also of the knowledge that there is tremendous support for this to happen around the country. Therefore, I conclude that if we can make all of us understand in this body and outside this body that there is that kind of tremendous support, that when we actually get down to debating and discussing these proposals and trying to mark them up in committee and bring them to the floor that we can actually accomplish this if we will begin believing that it is something that can be accomplished.

I submit to you that if we can bring this off in the next year or so that we will not only restore faith in the tax system, faith in the country—remember that the Government program that most Americans have contact with is the tax program—that we will restore faith in the system, faith in the country, and we will obtain a better economic result. We will create more jobs. We will have more wealth created if capital is going to things that really make economic sense. We will be able to make this economy grow without inflation if we will take this bold and broad step to achieve substantial, far-reaching, lasting tax reform.

At this point I will conclude my remarks. I hope in later special orders to be able to delve into specific parts of these proposals and to try to carry on a discussion of the ramifications of change and the reasons for change. I look forward to carrying on that debate and discussion here in the House.

U.S. AGRICULTURAL EXPORTS: AMERICA'S TRADE HOPE FOR THE FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 30 minutes.

Mr. ROTH. Madam Speaker, I asked for a special order because I would like to address an issue that I think cries out for attention, and that is our trade deficits.

This year we are going to be suffering some $130 billion in trade deficits. Next year projections are for an even higher deficit. I think one ingredient to bring some equilibrium back into this equation is the area of U.S. agricultural exports, because they are America's future hope if we are again to achieve a balance in trade.

During much of the 1950's and 1960's, the world agricultural economy was characterized by relative stability. World trade was relatively small as compared to today. Several major countries and regions did not see the value of world trade as we see it today. In the United States, that period was characterized by overly abundant supplies, low prices, burdensome stocks, substantial cropland idled by Government programs, and relatively small volumes of agricultural trade.

Several forces emerged in the early 1970's to change this situation. The 1970's were characterized by instability, volatile prices, trade disruptions, fluctuating stocks, and significant differences in political thought. In all likelihood, the United States will experience the same type of agricultural trade instabilities well into the 1990's.

This instability could be avoided through new, innovative approaches to exporting our agricultural surpluses. I also believe that the opening up of the agricultural trade between nations and better international cooperation is preferable to limited trade because of differences in political thought. By expanding our agricultural exports, we are giving the U.S. farmer and the world a change and a chance to contribute to a more stable international order.

The U.S. exports in fiscal year 1983 were valued at some $35 billion, down 20 percent from the 1981 record, and 11 percent less then in 1982. The volume of U.S. agricultural goods in fiscal year 1983 was 145 million metric tons, 8 percent lower than the previous year. Conversely, total agricultural output rose some 27 percent during that period of time.

Economists tell us that although figures are down from previous years, our agricultural exports could be increased up to 35 percent. Not that these present numbers are not encouraging, but if we look at our $130 billion trade deficit, agriculture is one of the few success stories we have. But we can do better.

Congress must take the lead in promoting U.S. agricultural exports. We must not let the world's most efficient and productive source of high-quality food and fiber deteriorate. American agriculture is a tremendous blessing to us, and potentially to the entire world.

The population of the world today is about 4½ billion. By the year 2000, in about 16 years, the population of the world is projected to be about 6.2 billion people. That means for every two people we see in the world today, we will see three in only 16 years. American agriculture, therefore, is our real peace program because people can live without oil, people can live without many necessities, but people cannot live without food.

So I predict if another war is ever to come, and we hope it does not come, but if it does it is not going to come over oil, it is not going to come over the many issues that we discuss in this body, but it is going to come over the issue of food.

In the year of 1800, during Napoleon's time, we had a population on this planet of about 1 billion people. By the time of the Second World War we had about 2 billion people. In 1960, we had approximately 3 billion people, and today we have about 4.4 billion people. As I stated before, by the year 2000, we will have about 6.2 billion people. You can see that the population of the world is growing not in arithmetical proportions but in geometric proportions.

That is why the American farmer, in my opinion, is going to be the real instrument for peace in the future.

There are three trends that will dominate, I think, agricultural trade in the next decade: First, the growing size of trade; second, increased dependence of the world's least developed nations on trade to improve their nutritional levels; and, third, the increasing importance of the United States and other developed nations as the chief source of the necessities of life, particularly food. The third characteristic is probably the most important as it relates to the United States.

To achieve effective reform in agricultural exports, we must examine some of the commodities we ship aboard.

□ 1850

The three farm commodities in which America has a comparative advantage are: No. 1, dairy products; No. 2, wheat; and, No. 3, foodstuffs. In 1983 the United States exported some 52 million pounds of dairy products. This does not even scratch the surface of our potential.

To broaden our dairy exports, we must move toward increasing our bilateral trade agreements, such as those recently completed with China and Mexico. Bilateral dairy agreements aid in increasing our dairy exports and avoid potential problems with the EEC, and possibly New Zealand and Australia. They would also reduce our domestic dairy inventory.

The United States should no longer carry the world's buffer stocks of wheat. I advocate a policy that features an international wheat agreement to directly influence supply and demand for wheat, rather than requires participating nations to intervene directly. I suggest a four-point wheat policy which will: First, adjust the production of all exporting countries to meet the world wheat supply-and-demand situation; second, contribute to the food requirements of developing countries; third, prevent disruption of third-country markets by adherence to export subsidies; and, fourth, allow for comparative advantage to determine competitiveness in world market expansion.

The adoption of such a program will increase our wheat exports and create a mood of fairness among international traders.

Our foodstuffs such as vegetables, seed oils and other grains should be exported free of subsidies and tariffs. Emphasis, I think, should be placed on feeding the world and providing new markets for our farmers to sell their goods. This can be achieved through policy innovation in the areas of trade negotiations and market reserach.

As a member of the Subcommittee on International Economic Policy and Trade in the House, I have been deeply interested in the development of a trade policy that will enhance the potential of our agricultural community. This policy must be a cooperative effort among Congress, the governmental agencies involved in the exporting of U.S. goods, and those people in agriculture.

First, I think we need a vigorous and hard-line bargaining approach which would be taken by the U.S. Government to eliminate nontariff restrictions against U.S. agricultural products. We invite fair competition in the marketplaces throughout the world and believe that every possible method should be explored to expand the sale of U.S. agricultural products.

Second, Congress should ensure that agriculture be given equal treatment with other export interests in multilateral trade negotiations. These negotiations should include the establishment of agreements in coarse grains, livestock products, and oilseeds that call for international consultants on supply-and-demand trends.

Third, the U.S. Government should fully utilize "barter trading" as a means of enhancing agricultural exports to foreign cutomers who have difficulty obtaining sufficient credit to finance purchases.

Between the years, 1960 and 1968, we were engaged in countertrade or barter up to about $1 billion, 200 million American. Between 1968 and 1982, we had only one trade agreement. So I think it is important for us to reconsider and to take a look at our experiences of the past and to use what has been best in our experience and acclimate ourselves to the world as it is today, which means that many countries throughout the world need our food to provide for their people but do not have the financial resources to do so. But they do have the raw materials and the minerals that we as a nation need. I think it would be wise for us to put more emphasis in countertrade and in barter, not only to help ourselves but also to feed a hungry world.

Last year I introduced the milk for metals barter bill that would encourage the Secretary of Agriculture to use his authority to barter our surplus agricultural commodities for strategic minerals and metals to replenish our depleted supplies.

And, fourth, new efforts must be made to develop marketing programs to expand agricultural exports and encourage new export marketing groups such as the farm co-ops and export trading companies.

In my home State of Wisconsin, primarily a dairy export area, there has been an increasing interest in the export of milk and milk products. Dairy farmers are very eager to promote their products abroad. Many milk co-ops and other associations have become involved in the development of export markets for dairy products.

In conjunction with this, I propose that the dairy price support legislation be amended to provide for orderly and systematic disposition of the Commodity Credit Corporation stocks of dairy products, at concessional prices when possible, but on the basis of countertrade to poorer countries, if necessary, to prevent large accumulations of dairy products. Through these reforms, we can stimulate agricultural trade.

This Congress can also have an impact on the exporting of agricultural goods. Before us we have a proposal which could greatly influence the direction that this country takes toward agricultural trade.

House Joint Resolution 600 would establish a commission to study and make recommendations concerning agricultural related trade, export policies, programs, and practices that could be very helpful to the entire world and to our own country. Such a nonpartisan commission could be very effective in spotting trends and directions for agricultural trade. I encourage expeditious passage of this bill.

There are several other pieces of legislation that have been developed to ensure that we maximize the potential of our agricultural exports. I ask the chairmen of the Foreign Affairs Committee and the Agriculture Committee to take a close look at this legislation in order to avoid any flux that might result from congressional inaction.

The innovations that I have addressed today can all be focused on one simple word—coordination. If this country is able to coordinate all of its agricultural trade efforts, the possibilities are endless. This coordination can start with the creation of a Department of International Trade.

There is too much inertia when it comes to this very important legislation. We have been asking for a Department of International Trade for more than a year. Our U.S. Trade Representative, Bill Brock, our Secretary of Commerce, Malcolm Baldrige, and many, many others who are concerned and who are working in this area have asked that we establish a Department of International Trade so that we can have the coordination necessary in order to move forward with an aggressive trade policy. That is why it is so important for us in the Congress to overcome this inertia and to act, and to act now.

Daniel Webster said: "When the tillage begins, other arts follow. The farmers are, therefore, the founders of human civilization."

We must expand our horizons to preserve this slice of national heritage and efficient productivity that we have in this country. The development of new markets, the creation of a sense of fairness in the international trade arena, and the feeding of the less developed countries are all essential if we are to reach our potential in agricultural exports and to help the Third World and feed a hungry world. Agricultural exports help this country, and they help the entire world, including, of course, the Third World.

The policy changes such as those I have suggested, I think, are a step in the right direction for achieving these goals. These goals are goals that we want to address and we want to achieve.

Again, Madam Speaker, as I have underlined and stated before, these changes not only help us and help the American farmer but they help a hungry world that is going to grow hungrier as more and more people

come to the breakfast table every morning.

THE STATUS OF ANTICRIME LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Madam Speaker, I want to talk a little while this evening on the issue of crime, and as our viewers will be able to see, I am going to be talking about crime to a nearly empty Chamber. But that is not surprising because one of the problems we have had with the crime issue in this Congress thus far is that Congress has been rather "empty" toward the whole idea of the President's anticrime package.

I think we really do need to understand that there has developed a difference between the position of this House and the position of the country as a whole, the position of the administration and even the position of the other body.

□ 1900

I would submit that it does begin to define that there really is a difference between the two political parties, the two great political parties in this country on this issue, which is a fundamental concern of many, many Americans.

The President made it a key issue for the rest of the year in his press conference the other evening when he said flatly that this was one of the items that he thought this Congress should act upon before adjourning.

I agree with the President. I think that the crime package that was passed out of the Senate by a vote of 91 to 1 deserves consideration as a package in this House, so that we can do something about substantive criminal code reform and give the American people some confidence that this Congress and this Government are as concerned about crime in the streets as they are; but I do not have very much confidence that we are going to see that happen in this House and that we are going to see those changes made this year. The reason why I am left without very much confidence on that issue is that I have taken a little bit of time to read what the Democratic party platform said on the issue of crime. It does not move in the direction of being a tough anticrime platform. The American people want tough standards on criminals. They want something done to put those who commit crimes behind bars. They want something done to get career criminals off the streets. They want action taken against those who commit violent crimes against persons and property. They want, in simple terms, to be safe. They want the feeling that we are taking those steps necessary to make our homes safe again, to make our streets safe again, so that they can feel safe again.

That is not what the Democratic Party platform when it speaks on crime is talking about. For example, in this platform, the platform has a section in which they talk about helping the victims of crime and that may be meritorious. We have a crime victims program in the State of Pennsylvania and it works rather well and that is a meritorious kind of thing, but it does not have a comparable section in the platform talking about going after criminals so that they cannot commit crimes in the first place or so that they will have disincentives on committing crimes in the first place.

Would it not be better not to have victims? We would be far better off if we did not have the victims in the first place than to have the party speaking to the plight of victims. If there are no victims, we do not need that section, and yet there is nothing in the Democratic platform which really speaks to the business of going after criminals. In fact, the only place that we find the word "tough" used in the entire Democratic platform statement on crime, the only place where the word "tough" is used is where they are talking about gun control. Then they talk about getting tough on that issue.

Well, let us think a little bit about that. Most of the people who have gone out and bought guns, who own guns, are people who are seeking to protect themselves against crime taking place in the streets and they fear may come into their homes. Most of the guns out there are owned by law-abiding citizens who are trying to protect themselves. That is where the Democrats want to get tough. They do not talk about getting tough on criminals. In fact, the only place they talk about violence is when they talk about violent acts of bigotry, hatred and extremism directed against minorities, which they go on then and define and then gay men and lesbians.

Now, I have some problem with that being the only recognition of violence that is in the entire crime section of their platform. Why not when you are including people who are victims of violent crimes, why not include crimes against the elderly? One of the groups of people in our society that feel most victimized by the crime that is going on around them, in fact are locking themselves into their homes, into their apartments, into their rooms, are the elderly, who are literally scared to death to leave their homes as a result of the crime statistics in many areas of this country, and yet there is not even any mention of the elderly and crime against the elderly in the Democratic platform; only minority groups and gay men and lesbians.

There is no mention at all of murder, rape, burglary, armed assault, robbery, or any of these things. There is no mention of those items as being violent crimes that they want to do something about, and yet those are the crimes that most Americans are concerned about. That is what they are concerned about out there.

The words are not even mentioned in the Democratic platform.

Well, what we heard today from some of the leaders of the Democratic Party on this issue was, and there were some of the leaders, the majority leader came to the floor to discuss this issue, the head of the Democratic Congressional Committee came to the floor to discuss the issue, the head of one of the Criminal Justice Subcommittees came to the floor to discuss the issue and what we heard from them was, well, the Democrats do in fact have this proposal. Now, it was passed in the House and it has been sitting over in the Senate, so therefore the Republican Party should not raise this issue. The President certainly should not raise it, because this issue was passed by this House and is over there in the Senate and they will not act on that.

Well, if that is the substance of their idea of what we should do about crime—it is the Justice Assistance Act is what I am talking about—if that is the sum and substance of what they are going to do to get tough on crime, that is their package, how come it is not in the Democratic platform?

The Justice Assistance Act or anything similar to the Justice Assistance Act does not even rate a mention by the platform that they just drafted a couple weeks ago in San Francisco. If that is their program, do you not think it ought to be somewhere in their platform, that this is their program for fighting crime?

We were told on the floor today that this is the thing that local law enforcement officials really want, that this is the thing they want passed, so therefore the Senate ought to act.

Well, I would say to those people, how come it is not in your platform? The only thing mentioned in here is the establishment of an independent criminal justice corporation and all that says is that should be considered. It does not say do it. It says it should be considered, and that is to spur local law enforcement efforts.

Well, where is this program that was all of a sudden announced on the House floor today? How come it does not even rate mention in the party platform?

The party platform talks a lot about fighting drug abuse and again we would all agree that that is something we want to do, but there is no language whatsoever in the platform about locking up drug traffickers. It goes into a lot of statistics and so on about how bad the problem is, but when you get down to what we are going to do, how are we going to get tough on crime, there is nothing in the platform to suggest that one of the things we ought to be doing is locking away people who traffic in drugs, not one line saying that.

Well, then, we look to find out what it is they are willing to do about crime. As I say, we have programs against drunk drivers, again very meritorious kinds of things, but what about the criminals that are raping, robbing, murdering, and so on out in the streets?

You cannot have a crime program, it seems to me, without addressing that. It is not addressed, but they do say that we ought to restore the credibility of our criminal courts. Interestingly enough, when you read that section, what it turns out that they are talking about doing is not making the courts tougher. Most of the section is a section looking for more ways to put criminals back out on the streets after we have caught them. That is the restoration of credibility in the court system.

What I am saying, this platform is a blueprint of why we are not acting on the President's crime control package here in the House of Representatives. The fact is that the President's crime control package is aimed at getting tough on crime. It is aimed at making some changes in Federal law that hopefully then would be reflected in State and local laws that are aimed at doing one thing, getting criminals off the streets, getting tough.

This House is not about to consider a tough anticrime program because the party that controls this House has already made it clear in their platform that they do not want a tough anticrime program.

Madam Speaker, I yield back the balance of my time.

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PENTAGON PROVIDES OLYMPIC PROTECTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

● Mr. ANNUNZIO. Madam Speaker, no one is more proud of our Olympic athletes than I am. The individual accomplishments of each participant is surely worthy of recognition. Yet, there is an invisible partner working alongside the Olympians. That partner is the United States of America. That's right, our country and our Government. Despite all claims that the Los Angeles Olympics is truly a "private" affair, the United States is contributing resources, in the form of helicopters and security equipment, to the tune of $50 million.

The Department of Defense alone already has spent $35 million, just to provide added security to the Olympic games, and to insure that all proceedings go off according to plan. The Department of Defense is contributing 77 helicopters, 330 M-16 rifles and 393,000 rounds of ammunition to help the Los Angeles Police prepare for the possibility of a mishap at the games.

This is all well and good. the United States is the host country for these games, and should take all possible steps to guarantee the safety of all nations' delegations. What I cannot understand is how this is not regarded as a public act in support of the Olympics. Congress authorized the money and Congress appropriated the money. I have no quarrel with this country chipping in for the Olympics. But it is quite another matter to lend a hand and not receive at least a token acknowledgement.

The Pentagon is also aiding California law enforcement agencies by calling on the Air Force and the Army; 14 explosive-detecting dogs were flown to Los Angeles and made available to help with security arrangements, courtesy of Uncle Sam. In case an emergency situation arises, the Pentagon is providing blankets, cots, night vision goggles, splints, bandages, buses, and even four airplanes.

The largest single equipment expense to the Pentagon is $12 million for communication devices and radios. The radios alone are a substantial U.S. Government contribution. I'm glad to help the athletes, and the city of Los Angeles. But when they use those radios, I hope they don't attribute the usefulness of those items to private sources. The source is a very public one—the American taxpayer.

Not only has the U.S. Government contributed actual material goods, but it has provided manpower as well. For almost 2 years, 10 Pentagon employees have been working full time, trying to anticipate different emergency situations and figuring out how to respond to those situations. Those 10 people are paid with salary checks issued by the U.S. Government. If you still think the United States is not providing assistance to the Olympics in a real and meaningful manner, you may be interested to know that our Government is sending more than 100 employees to Los Angeles to help the city cope with the influx of visitors during the games.

If the Olympics is conducted as planned, there will be no need to highlight the high quality of the security arrangements. But the high quality security arrangements are in place. The United States has spent $10 million on the design, production, and maintenance of the intrusion detection system and the security fence that will surround the Olympic villages.

If this is not public support of the Olympics, I do not know what is. I am glad that the Los Angeles Olympic Committee has been successful in attracting private contributions. But it is important that they do not forget the public commitment. I am proud to live in the host country of this year's Olympiad, and I am especially proud of the American athletes who qualified to represent the United States. They should feel the support of their country behind them. They already know the country backs them emotionally. Let them know the country backs them financially as well.●

POSTAL LABOR CRISIS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. FORD] is recognized for 10 minutes.

● Mr. FORD of Michigan. Madam Speaker, with the breakup of AT&T, the Nation's largest civilian employer is now the U.S. Postal Service. The negotiations for new collective bargaining agreements between the Postal Service and the unions representing over a half-million postal employees are the single largest set of labor negotiations in the United States this year.

As we all know, these negotiations have been troubled from the start, and the existing contracts expired at midnight on July 20 with no new agreement having been reached and numerous controversial issues outstanding.

Title 39 of the United States Code prescribes an ordely, fair, and peaceful process for resolving postal bargaining disputes such as this. I regret to report, however, that one party to the dispute—Postal Service management—is not adhering to this process.

Instead of pursuing its goals peacefully, through the statutory factfinding and arbitration process, Postal Service management on July 25 unilaterally implemented a new pay and benefits system for incoming employees. Whatever the ultimate outcome, I now fear for the short-term and long-term impact of this action on postal employees and on the Postal Service itself.

I have expressed my dismay in a letter to the Postmaster General. I wish to share that letter with the House:

COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, DC, July 26, 1984.

Hon. WILLIAM F. BOLGER,
Postmaster General, U.S. Postal Service, Washington, DC.

DEAR MR. POSTMASTER GENERAL: I have been notified of your unilateral implementation of the pay and benefit levels for new hires contained in the Postal Service's final, pre-impasse offer.

It now seems clear to me that the ill-advised unit consolidation attempt in relation to the 1981 contract negotiations was not an isolated instance of short-sighted, reactionary, and unlawful labor relations policy.

The damage to labor-management relations within the Postal Service is likely to be permanent. I have watched and listened patiently for months as Postal Service management and the Board of Governors issued inflammatory and provocative statements about postal employees' pay and benefit levels—and, by implication, about the collective bargaining process which resulted in those levels. I have remained silent because of my belief that the bargaining process which we included in the Postal Reorganization Act of 1970 ultimately would result in a fair agreement for both sides. But this unilateral action now raises the question of whether the Postal Service shares my faith in the collective bargaining process.

Private sector labor law is clear: when impasse is reached, management may implement its final offer. The union, however, has the concomitant right to strike, thus ensuring parity of bargaining power. In this case, though, the unilateral action destroys parity. The postal unions are barred from striking. The Act's factfinding and arbitration procedures exist not merely as a substitute for private sector labor's right to strike, but also as a substitute for private sector management's right to unilateral implementation.

I believe that the unilateral changes that the Postal Service intends to implement are illegal under the Postal Reorganization Act. When the Act was passed, it was my understanding, the understanding of the Committee, and the understanding of the Congress that, if any disputes remained upon the expiration of any collective bargaining agreement, all parties would be required to respect the status quo pending exhaustion of the dispute resolution machinery established by section 1207.

Legalities aside, I sincerely am puzzled by this decision. The Postal Service apparently believes that this action makes it more likely that the arbitration board will impose the two-tier system which management could not gain through negotiations—perhaps not the 23% differential contained in its "final offer," but a two-tier system nonetheless. But, from your perspective, I would worry that the arbitration board is going to react unfavorably to this action, and view it as evidence of failure to bargain in good faith. Why the United States Postal Service could not have continued to advocate its contract offer peacefully, through the statutory dispute resolution process, is beyond my comprehension. Whatever is achieved by this action is being purchased at the cost of a generation of ill will and devastated morale.

Sincerely,

WILLIAM D. FORD,
Chairman.●

QUACKERY: THE NEED FOR A FEDERAL RESPONSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. PEPPER] is recognized for 5 minutes.

● Mr. PEPPER. Madam Speaker, quackery is an enormous problem with a severe impact on the health and well-being of our citizens. An intensive 4-year study conducted by the Subcommittee on Health and Long-Term Care of the House Select Committee on Aging, which culminated in a hearing and a report entitled "Quackery: A $10 Billion Scandal," revealed that health fraud was the single most prevalent and damaging fraud perpetrated against the elderly. And the damaging effects are not limited to our Nation's senior citizens. Americans of all ages are being victimized.

The problem of medical quackery is growing at an alarming rate. In 1965, in hearings by the U.S. Senate Special Committee on Aging, it was estimated that quackery was costing the Nation $1 billion a year. Today the Subcommittee on Health and Long-Term Care conservatively estimates that it costs the Nation more than $10 billion. The cost in human terms, measured in disillusion, pain, and forsaken or postponed medical treatment because of reliance on unproven methods, is more difficult to measure, but nonetheless very real.

Nothing short of a full-scale, concerted effort involving all of the Federal, State, and local agencies responsible for controlling quackery will serve to have significant impact in reducing these reprehensible activities. The elements of this attack must include: the establishment of these activities as a priority commensurate with the potential harm; the development of educational activities to inform the public of the nature and degree of the hazards associated with unproven remedies; and increased enforcement activities, particularly the application of criminal sanctions.

I have introduced three bill today which will help us achieve these ends.

The first bill would amend the Federal Food, Drug, and Cosmetic Act, the Federal Trade Commission Act, and title 18 of the United States Code to increase criminal penalties for those who knowingly sell or offer for sale unsafe or ineffective drugs, medical devices, and medical treatments. Minimum fines of $1,000 will be increased to $5,000 and minimum prison sentences of 6 months and 1 year will be increased to 5 years and 10 years respectively. This will serve to place penalties in proper relation to the potential harm posed by fraudulent health remedies.

Second, a clearinghouse for consumer health education and information will be created within the National Library of Medicine. This clearinghouse will provide a data base on the efficacy, comparative cost, and possible side effects of drugs, medical devices, and treatments including both proven and unproven remedies, for American consumers.

Third, I am calling for the creation of a strike force on health quackery, to coordinate the efforts of those Federal agencies responsible for curbing the sale and promotion of fraudulent health remedies. The strike force would be established in the Department of Justice and composed of two representatives of the Department of Justice, the Food and Drug Administration, the Federal Trade Commission, and the U.S. Postal Service, selected by the head of each agency. The strike force will submit to Congress both a proposed plan of action and final report on progresss made in combatting health quackery.

I urge my colleagues to join me in support of this important and timely reform package.

Thank you.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. NELSON] is recognized for 5 minutes.

● Mr. NELSON of Florida. Madam Speaker, due to official business, I was not recorded on several rollcalls earlier this year.

If I had been present, I would have voted "yes" on rollcalls 47, 79, and 148, all motions to approve the House Journal.

I also would have voted "yes" on rollcall 210, the Frenzel amendment to reduce funds for House of Representatives operations; "yes" on rollcall 301, adoption of the conference report on the Bankruptcy Amendments of 1984; "yes" on rollcall 303, the resolution providing for adjournment of the House and Senate from June 29 to July 23, 1984; and "yes" on rollcall 305 passage of the water resources development authorization.●

THE HELSINKI FINAL ACT: 9 YEARS LATER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FASCELL] is recognized for 5 minutes.

● Mr. FASCELL. Madam Speaker, today marks the ninth anniversary of the signing of the Final Act of the Conference on Security and Cooperation in Europe [CSCE]. The leaders of 35 sovereign states—all of Europe except Albania—plus the United States and Canada met in Helsinki and

made solemn political commitments to observe various principles of international relations. CSCE commitments constitute a code of conduct not only for relations between nations, but also for the relationship between a government and its citizens.

The major focus of American interest in the Helsinki process has been on human rights, particularly in regard to the Soviet Union. Certainly the Final Act has resulted in more accurate information on the human rights situation in the U.S.S.R. Major credit is due here to the brave men and women who organized unofficial Helsinki monitoring groups in Moscow, Ukraine, Lithuania, Georgia, and Armenia and specialized groups on psychiatric abuse, invalids' rights and the difficulties of millions of religious believers in the U.S.S.R. Among the 45 Soviet citizens still imprisoned for their peaceful Helsinki work are Yuri Orlov, Anatoly Shcharansky, Tania Osipova, Mykola Rudenko, Vyacheslav Chornovil, Olha Heyko, Viktoras Petkus, Merab Kostava, and Robert Nazaryan; Soviet psychiatrist Anatoly Koryagin; and religious leaders Gleb Yakunin, Rostislav Galetsky, Alfonsas Svarinskas, and Sigitas Tamkevicius.

The human rights situation in the U.S.S.R. has markedly deteriorated since 1979. All elements in Soviet dissent have felt the heavy hand of the Soviet state: advocates of greater national and ethnic rights, proponents of independent labor unions, unofficial peace activists, and religious believers of all denominations. New laws have been passed which further extend the power of the Soviet state: unofficial contacts between foreigners and Soviets are discouraged; camp sentences for political prisoners can be easily prolonged; and the definition of crimes against the state has been extended.

Andrei Sakharov, 1975 Nobel Peace Prize Laureate, has also not been exempt from Soviet state oppression. Since January 22, 1980, Sakharov has been banished to the closed city of Gorky. Rather than allow his wife, Yelena Bonner, to go West for urgently needed medical care—as she has in the past—the Soviets, through their intransigence, forced Sakharov to undertake a hunger strike. Rather than let the world know the fate of the man who has been called "the conscience of mankind," the Soviet state has held the Sakharovs incommunicado since early May. Rather than let a trusted family friend see the Sakharovs, the Soviets issue bland official assurances that all is well. Since I believe the Sakharov case to be a major test of political and moral will of the West, I wrote to President Reagan on July 25, 1984, urging him to raise it with the Soviet Government "at every available bilateral opportunity." The world cannot allow Andrei Sakharov to become a "disappeared person." The world cannot sit idly by while Yelena Bonner faces criminal charges.

While the human rights picture in the Soviet Union is one of almost unrelieved gloom, recent developments in other East European countries demonstrate more positive responses to Helsinki commitments. In fact, each CSCE state has responded to the challenge of the Final Act in accord with cultural traditions and national imperatives. Bulgaria and Czechoslovakia have hewed most closely to the repressive Soviet line against human rights. Spurred on by economic incentives from the Federal Republic of Germany, the German Democratic Republic has allowed about 25,000 people to emigrate this year. Urged on by the need to unify a divided and demoralized Poland, the Polish Government recently declared a broad but conditional amnesty for political prisoners. Inspired by the success of its economic liberalization, Hungary has just announced reforms of its election system.

Certainly the Helsinki Final Act has mobilized citizens in many CSCE states: the Helsinki Monitors in the Soviet Union, Charter 77, and VONS in Czechoslovakia, and a new Helsinki Committee in Poland. CSCE has acted as a stimulus for positive changes by governments when East-West relations are good. When East-West relations are strained, CSCE is more circumscribed in its effects on governmental decisons. Nevertheless, even over the past 9 years, one can see an important positive CSCE-related trend emerging. The Final Act and the Helsinki process treats all 35 signatory States—no matter how large or small—as equals. In this way, the Helsinki process encourages a tendency in some East European countries to quietly undertake important positive initiatives somewhat independently of the Soviet Union.

The important changes which the CSCE has helped to foster are mostly long term. Therefore, I would strongly disagree with those who, looking at the deteriorating human rights scene in the U.S.S.R., propose renouncing the Final Act. After all, what is the realistic alternative? Rather, I propose we should persevere—hard as that is—and implement policies which encourage positive change, even if it is gradual. The people of the world, particularly in Eastern Europe and the Soviet Union, need every chance for peaceful positive change along the lines envisaged in the Helsinki Final Act.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LELAND (at the request of Mr. Wright), for this week, 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:

Mr. FASCELL, for 5 minutes, today.

(The following Members (at the request of Mr. RIDGE) to revise and extend their remarks and include extraneous material:)

Mr. ROTH, for 30 minutes, today.

Mr. WALKER, for 60 minutes, today.

Mr. BURTON of Indiana, for 60 minutes, today.

(The following Members (at the request of Mr. RATCHFORD) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FORD of Michigan, for 10 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. DURBIN, for 15 minutes, today.

Mr. NELSON of Florida, for 5 minutes, today.

Mr. GONZALEZ, for 60 minutes, today.

Mr. GEPHARDT, for 60 minutes, on August 1.

Mr. LEVIN of Michigan, for 60 minutes, on August 1.

Mr. ANDREWS of Texas, for 60 minutes, August 1.

Mr. MACKAY, for 60 minutes, on August 1.

Mr. RAY, for 5 minutes, on August, 2.

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. DURBIN, for 15 minutes, August 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. AUCOIN, during general debate on H.R. 5973 in the Committee of the Whole today.

(The following Members (at the request of Mr. RIDGE) and to include extraneous matter:)

Mr. FRENZEL.

Mr. GILMAN in five instances.

Mr. LOTT.

Mr. IRELAND.

Mr. ROTH.

Mr. SAWYER.

Mr. BROOMFIELD.

Mr. PHILIP M. CRANE in five instances.

Mr. CONTE.

Mr. CLINGER in two instances.

Mr. GEKAS.

(The following Members (at the request of Mr. RATCHFORD) and to include extraneous matter:)

Mr. VENTO.
Mr. GAYDOS in two instances.
Mr. HOWARD.
Mr. HAMILTON.
Mr. HOYER in two instances.
Mr. ADDABBO.
Mr. FLORIO.
Mr. CLAY.
Mrs. BOXER.
Mr. MONTGOMERY.
Mr. PEASE.
Mr. YATRON.
Mr. BONKER.
Mr. SAM B. HALL, JR.
Mr. HARRISON.

ENROLLED BILLS SIGNED

Mr. HAWKINS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 559. An act to amend the Securities Exchange Act of 1934 to increase the sanctions against trading in securities while in possession of material nonpublic information, and

H.R. 1310. An act to provide assistance to improve elementary, secondary, and postsecondary education in mathematics and science; to provide a national policy for engineering, technical, and scientific personnel; to provide cost sharing by the private sector in training such personnel; to encourage creation of new engineering, technical, and scientific jobs, and for other purposes.

ADJOURNMENT

Mr. WALKER. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 11 minutes p.m.) the House adjourned until tomorrow, Wednesday, August 1, 1984, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3821. A letter from the Assistant Administrator for Pesticides and Toxic Substances, Environmental Protection Agency, transmitting a copy of EPA's proposed final rule on data compensation procedures under the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA], pursuant to the act of June 25, 1947, chapter 125, section 25(a)(4) (94 Stat. 3195); to the Committee on Agriculture.

3822. A letter from the Acting Assistant Secretary of the Army (Installations and Logistics), transmitting notification of the proposed decision to convert to contractor performance the heating plants and systems functions at Fort Detrick, MD, pursuant to 10 U.S.C. 2304 nt (Public Law 96-342, section 502(b) (96 Stat. 747)); to the Committee on Armed Services.

3823. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a copy of the original report of political contributions for Edward J. Streator, Ambassador-designate to the Organization for Economic Cooperation and Development, pursuant to Public Law 96-465, section 304(b)(2); to the Committee on Foreign Affairs.

3824. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a letter from the Chief of Engineers, Department of the Army, dated May 5, 1983, submitting a report, together with accompanying papers and illustrations, on city waterway, Tacoma Harbor, WA. These reports were conducted under the authority of section 216 of the 1970 River and Harbor Act (H. Doc. 98-244); to the Committee on Public Works and Transportation and ordered to be printed.

3825. A letter from the Director of Civil Works, Department of the Army, transmitting the annual report of the Chief of Engineers for fiscal year 1983; to the Committee on Public Works and Transportation.

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. HOWARD: Committee on Public Works and Transportation. H.R. 4829. A bill to amend title I of the Marine Protection, Research, and Sanctuaries Act of 1972; with amendments (Rept. No. 98-766, Pt. II). Referred to the Committee of the Whole House on the State of the Union.

Mr. BEILENSON: Committee on Rules. House Resolution 559. Resolution providing for the consideration of H.R. 4444, a bill to amend the Small Reclamation Projects Act of 1956, as amended (Rept. No. 98-919). Referred to the House Calendar.

Mr. FROST: Committee on Rules. House Resolution 560. Resolution providing for the consideration of H.R. 4567, a bill to reauthorize and amend the Indian Health Care Improvement Act, and for other purposes (Rept. No. 98-920). Referred to the House Calendar.

Mr. WHEAT: Committee on Rules. House Resolution 561. Resolution providing for the consideration of H.R. 2934, a bill to amend the Public Health Service Act to extend through fiscal year 1985 the health planning authority under that act and to repeal that authority September 30, 1986, and for other purposes (Rept. No. 98-921). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 562. Resolution providing for the consideration of H.R. 5585, a bill to authorize appropriations for carrying out the Federal Railroad Safety Act of 1970, and for other purposes (Rept. No. 98-922). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 563. Resolution providing for the consideration of S. 2436 a bill to authorize appropriations of funds for activities of the Corporation for Public Broadcasting, and for other purposes (Rept. No. 98-923). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CLAY:

H.R. 6043. A bill to amend the National Labor Relations Act to increase the stability of collective bargaining in the building and construction industry; to the Committee on Education and Labor.

By Mr. DUNCAN:

H.R. 6044. A bill to provide that certain good faith transfers of property made by the Southern Industrial Banking Corp. to depositors shall not be voidable under title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. GLICKMAN (for himself, Mr. HYDE, Mr. FRANK, Mr. SCHUMER, Mr. SMITH of Florida, Mr. RICHARDSON, Mr. LELAND, Mr. OWENS, Mr. ROE, Mr. MARKEY, Mr. MITCHELL, Mr. GRADISON, Mr. LEVIN of Michigan, Mrs. HALL of Indiana, Mr. WORTLEY, Mr. FRENZEL, Mr. CONTE, Mr. LEHMAN of Florida, Mr. LANTOS, Mr. WEISS, Mrs. BOXER, and Mr. BEILENSON):

H.R. 6045. A bill to establish criminal penalties for crimes against religious practices and property; to the Committee on the Judiciary.

By Mr. MARLENEE:

H.R. 6046. A bill to authorize the establishment of the Lewis and Clark National Historic Site in the State of Montana; to the Committee on Interior and Insular Affairs.

By Mr. MONTGOMERY (for himself, Mr. HAMMERSCHMIDT, Mr. EDWARDS of California, and Mr. EDGAR):

H.R. 6047. A bill to amend title 38, United States Code, to eliminate gender-based distinctions in laws providing benefits to veterans; to the Committee on Veterans' Affairs.

By Mr. NOWAK (for himself, Mr. CONABLE, Mr. LAFALCE, and Mr. KEMP):

H.R. 6048. A bill to amend the Employee Retirement Income Security Act of 1974 to clarify effective date provisions retroactively applying benefit guarantees to certain pension plans; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. PEPPER:

H.R. 6049. A bill to create within the National Library of Medicine a clearinghouse for consumer health education and information; to the Committee on Energy and Commerce.

By Mr. PEPPER (for himself and Mr. REGULA):

H.R. 6050. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Trade Commission Act, and title 18 of the United States Code to increase the criminal penalties for those who willfully sell or offer for sale drugs, devices, or medical treatment knowing that it is unsafe or ineffective or unproven for safety or efficacy; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 6051. A bill to establish a Strike Force on Health Quackery to coordinate the efforts of Federal agencies to curb the sale and promotion of fraudulent health remedies; jointly, to the Committees on the Judiciary, Energy and Commerce, and Post Office and Civil Service.

By Mr. SCHUMER:

H.R. 6052. A bill to amend the Internal Revenue Code of 1954 to permit the tax-free rollover of partial distributions from qualified employer plans by increasing the limitations on the deduction for retirement savings; to the Committee on Ways and Means.

By Mr. SHUSTER:

H.R. 6053. A bill to amend the Railroad Retirement Act of 1974 to eliminate certain reductions in cost-of-living increases; to the Committee on Energy and Commerce.

By Mr. UDALL (for himself, Mr. CONABLE, Mr. CONTE, and Mr. SWIFT):

H.R. 6054. A bill to require that Presidential primaries or caucuses be held only during the period beginning on the second Tuesday in March and ending on the second Tuesday in June of the Presidential election; to the Committee on House Administration.

By Mr. WILLIAMS of Montana (for himself, Mr. SEIBERLING, Mr. MOODY, and Mr. CHENEY):

H.R. 6055. A bill to amend the act entitled "An Act To Improve the Administration of the National Park System by the Secretary of the Interior, and To Clarify the Authorities Applicable to the System, and for Other Purposes" and to amend the Federal Land Policy and Management Act of 1976 to exempt the National Park Service and the Bureau of Land Management from certain requirements; to the Committee on Interior and Insular Affairs.

By Mr. BATEMAN (for himself, Mr. TAUZIN and Mr. PARRIS):

H.R. 6056. A bill relating to the jurisdiction and authority of the coastal States regarding fisheries resources; to the Committee on Merchant Marine and Fisheries.

By Mr. HILER (for himself, Mr. AKAKA, Mr. CONTE, Mr. ERLENBORN, Mr. HOYER, Mr. JEFFORDS, Mr. KEMP, Mr. PERKINS, and Mr. WILLIAMS of Montana):

H.J. Res. 632. Joint resolution recognizing the importance of the Bureau of Apprenticeship and Training; to the Committee on Education and Labor.

By Mr. DUNCAN:

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress with respect to the right of all Americans to keep and bear arms in defense of life or liberty and in the pursuit of all other legitimate endeavors; to the Committee on the Judiciary.

By Mr. SOLARZ (for himself, Mr. LEACH of Iowa, Mr. STUDDS, Mr. BARNES, Mr. WOLPE, Mr. CROCKETT, Mr. GEJDENSON, Mr. DYMALLY, Mr. TORRICELLI, Mr. BERMAN, Mr. REID, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. STARK, Mr. PATTERSON, Mr. WIRTH, Mr. WEAVER, Mr. MITCHELL, Mr. MORRISON of Connecticut, Mr. OWENS, Mr. MARKEY, Mr. SABO, Mr. KOLTER, Mr. EDGAR, Mr. LEVIN of Michigan, Mr. MCHUGH, Mr. KASTENMEIER, Mr. EDWARDS of California, Mr. OTTINGER, Mr. WALGREN, Mr. MARTINEZ, Mr. OBERSTAR, Mr. VENTO, Mr. PEASE, Mr. GLICKMAN, Mrs. SCHROEDER, Mr. FAZIO, Mr. SPRATT, Mr. HARKIN, and Ms. FERRARO):

H. Con. Res. 344. Concurrent resolution expressing the sense of the Congress concerning the need to achieve full democracy on Taiwan; to the Committee on Foreign Affairs.

By Mr. STOKES:

H. Res. 558. Resolution in the matter of Representative George V. Hansen; considered and agreed to.

By Mr. PEPPER (for himself, Mr. REGULA, and Ms. OAKAR):

H. Res. 564. Resolution authorizing the printing as a House document of the committee print entitled "Quackery, A $10 Billion Scandal"; to the Committee on House Administration.

MEMORIALS

Under clause 4 of rule XXII,

458. The SPEAKER presented a memorial of the Senate of the State of Illinois, relative to antitrust immunity for local governments; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1617: Mr. ROSE, Mr. MARKEY, Mrs. LLOYD, Mr. CAMPBELL, Mr. FAZIO, Mr. MURPHY, Mr. BONIOR of Michigan, Mr. DICKS, Mr. SUNDQUIST, Mr. FOLEY, Mr. KOGOVSEK, Mr. WIRTH, Mr. BLILEY, Mr. COOPER, Mrs. BOXER, Mr. TAYLOR, Mr. JACOBS, Mr. BROWN of Colorado, Mr. MARTIN of North Carolina, Mr. SIKORSKI, Mr. VOLKMER, and Mr. BADHAM.

H.R. 2053: Mr. RAY.

H.R. 3296: Mr. ALBOSTA, Mr. MCCURDY, Mr. UDALL, and Mr. WATKINS.

H.R. 3818: Mr. MRAZEK.

H.R. 4066: Mr. SIMON.

H.R. 4457: Mr. MARTINEZ.

H.R. 4459: Mr. LAFALCE and Mr. FORD of Tennessee.

H.R. 4559: Mr. WILSON.

H.R. 4571: Mr. SKEEN.

H.R. 4642: Mr. TAUZIN.

H.R. 4832: Mr. TORRES.

H.R. 4857: Mr. BURTON of Indiana.

H.R. 4966: Mr. BOEHLERT, Mr. HARTNETT, Mr. KOGOVSEK, and Mr. LONG of Maryland.

H.R. 5107: Mr. D'AMOURS, Mr. CORRADA, Mrs. BOXER, Mr. SIMON, and Mr. FRANK.

H.R. 5182: Mr. SWIFT and Mr. MORRISON of Washington.

H.R. 5341: Mr. PATTERSON, Mr. BRYANT, Mr. CLAY, Mr. HARRISON, and Mr. BONIOR of Michigan.

H.R. 5581: Mr. MORRISON of Connecticut, Mr. FROST, and Mr. MCHUGH.

H.R. 5640: Mr. NEAL.

H.R. 5725: Mr. BRITT, Mr. DELLUMS, Mr. FISH, Mr. FUQUA, Mr. GREGG, Mr. HEFTEL of Hawaii, Mr. JACOBS, Mr. JEFFORDS, Mr. LEVINE of California, Mr. MCNULTY, Mr. MATSUI, Ms. MIKULSKI, Mr. MOAKLEY, Mr. MRAZEK, Mr. OTTINGER, Mrs. SCHROEDER, Mr. STUDDS, and Mr. WEISS.

H.R. 5835: Mr. OTTINGER, Mr. HORTON, Mr. HEFTEL of Hawaii, Mr. BERMAN, Mr. COURTER, Mr. GRAY, Mr. MCCOLLUM, and Mr. BEREUTER.

H.R. 5913: Mr. FRANK.

H.R. 5937: Mr. DELLUMS, Mr. ORTIZ, Mr. SABO, and Mr. PATTERSON.

H.R. 5955: Mr. ACKERMAN, Mr. HARRISON, Mr. LELAND, Mr. ADDABBO, Mr. MITCHELL, Mr. TOWNES, Mr. STOKES, Mr. FAZIO, Mrs. BOXER, Mr. FRANK, Mr. MCHUGH, Mr. HUGHES, Mr. RICHARDSON, Mr. GARCIA, Mr. WOLF, Mr. ROE, Ms. SNOWE, Mr. ORTIZ, Mr. OWENS, Mr. FRANKLIN, Mr. HOWARD, Mr. RANGEL, Mr. YOUNG of Alaska, Mr. HORTON, Mr. BRITT, Mr. FISH, Mr. CONYERS, Mr. BEDELL, Mr. ECKART, Mrs. HALL of Indiana, Mr. FRENZEL, Mr. WORTLEY, Mr. MRAZEK, Mr. SKELTON, Mr. APPLEGATE, Mr. SCHEUER, Mr. BILIRAKIS, Mr. CROCKETT, Mr. STENHOLM, Mr. DURBIN, Mr. FROST, Mr. MCGRATH, Mrs. BOGGS, and Mr. GONZALEZ.

H.R. 5959: Mr. DAVIS, Mr. FAUNTROY, Mr. HARRISON, Ms. KAPTUR, and Mr. STOKES.

H.R. 5965: Mr. DOWDY of Mississippi.

H.R. 5995: Mr. COYNE, Mr. MILLER of California, Mr. DYMALLY, Mr. ROSTENKOWSKI, Mr. PEPPER, Mr. FLORIO, Mr. MARKEY, Mr. LEVINE of California, Mr. SMITH of Florida, Mr. WHEAT, Mr. FAZIO, and Mr. HAWKINS.

H.R. 6019: Mr. BOEHLERT, Mr. MARLENEE, Mrs. ROUKEMA, Mr. SNYDER, Mr. YOUNG of Florida, and Mr. GRAMM.

H.R. 6021: Mr. THOMAS of California, Mrs. SCHROEDER, Mr. YOUNG of Alaska, Mr. VANDERGRIFF, Mr. ROE, Mr. SCHULZE, Mr. ROBERT F. SMITH, Mr. DENNY SMITH, Mr. CAMPBELL, and Mr. BROWN of Colorado.

H.J. Res. 233: Mr. FRENZEL, Mr. WON PAT, Mr. REID, Mr. RICHARDSON, Mr. TALLON, Mr. RATCHFORD, Mr. RAHALL, Mr. BRITT, Mr. CARPER, and Mr. LUNDINE.

H.J. Res. 243: Mr. PATMAN.

H.J. Res. 482: Mr. SUNIA, Mr. CLINGER, Mr. BILIRAKIS, Mr. SCHAEFER, Mr. LEHMAN of Florida, Mr. BOEHLERT, Mr. WILLIAMS of Montana, Mr. OWENS, Mr. MILLER of California, Mr. MOORE, Mr. OTTINGER, Mr. KOGOVSEK, Mr. HOYER, Mr. NATCHER, Mr. GUARINI, Mr. ROEMER, Mr. LEWIS of Florida, Mr. CARPER, Mr. YOUNG of Florida, Mr. SCHUMER, Mr. GRAY, Mr. MARKEY, Mr. MATSUI, Mr. CHAPPELL, and Mr. STRATTON.

H.J. Res. 491: Mr. ALBOSTA, Mr. ANTHONY, Mr. BEILENSON, Mr. BIAGGI, Mr. BOSCO, Mr. BOUCHER, Mr. BREAUX, Mr. BROWN of California, Mr. BRYANT, Mr. BURTON of Indiana, Mrs. BURTON of California, Mr. CARR, Mr. COELHO, Mr. COLEMAN of Texas, Mr. DELLUMS, Mr. DICKINSON, Mr. DICKS, Mr. DINGELL, Mr. FLIPPO, Mr. FOWLER, Mr. FRANK, Mr. FRANKLIN, Mr. GRAY, Mr. SAM B. HALL, JR., Mr. HALL of Ohio, Mr. HANCE, Mr. HANSEN of Utah, Mr. HOPKINS, Mr. HOYER, Mr. HUCKABY, Mr. KOGOVSEK, Mr. LEHMAN of Florida, Mr. LOWRY of Washington, Mr. LUNDINE, Mr. PICKLE, Mr. SILJANDER, Mr. SMITH of Florida, Mr. SPENCE, Mr. SPRATT, Mr. STENHOLM, Mr. STUMP, Mr. SWIFT, Mr. WATKINS, Mr. WIRTH, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H.J. Res. 529: Mr. BONIOR of Michigan.

H.J. Res. 565: Mr. BEDELL, Mr. CHAPPIE, Mr. DEWINE, Mr. DAUB, Mr. D'AMOURS, Mr. EARLY, Mr. FISH, Mr. FRENZEL, Mr. GREGG, Mr. LAFALCE, Mr. MINETA, Mr. MORRISON of Connecticut, Mr. MARTIN of North Carolina, Mr. MOLLOHAN, Mr. OTTINGER, Mr. PRITCHARD, Mr. SCHEUER, Mr. TAUKE, and Mr. YOUNG of Alaska.

H.J. Res. 574: Mr. ALBOSTA, Mr. ALEXANDER, Mr. ANDERSON, Mr. ANTHONY, Mr. AUCOIN, Mr. BARNARD, Mr. BENNETT, Mr. BEVILL, Mr. BURTON of Indiana, Mr. CAMPBELL, Mr. CHANDLER, Mr. CLARKE, Mr. CLAY, Mr. COOPER, Mr. CRAIG, Mr. DANNEMEYER, Mr. DUNCAN, Mr. EDWARDS of Alabama, Mr. FEIGHAN, Mr. GINGRICH, Mr. KAZEN, Mr. KEMP, Mr. LEVITAS, Mr. MAZZOLI, Mr. MCCLOSKEY, Mr. NEAL, Mr. OLIN, Mr. PER-

KINS, Mr. ST GERMAIN, Mr. SCHAEFER, Mr. SHARP, Mr. SHUMWAY, Mr. ROBERT F. SMITH, Mr. DENNY SMITH, Mr. SUNDQUIST, Mr. SYNAR, Mr. WALKER, Mr. WEAVER, Mr. WIRTH, Mr. BROOMFIELD, Mr. ROE, Mr. KRAMER, Mr. KINDNESS, Mr. SAM B. HALL, JR., and Mr. GIBBONS.

H.J. Res. 583: Mr. ACKERMAN, Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON, Mr. ANDREWS of North Carolina, Mr. ANNUNZIO, Mr. ANTHONY, Mr. APPLEGATE, Mr. BADHAM, Mr. BARNARD, Mr. BARTLETT, Mr. FOLEY, Mr. BATEMAN, Mr. BATES, Mr. BERMAN, Mr. BETHUNE, Mr. BIAGGI, Mr. BOEHLERT, Mr. BONIOR of Michigan, Mr. BOSCO, Mr. EDGAR, Mr. EDWARDS of California, Mr. ERDREICH, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Ms. FIEDLER, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FOWLER, Mr. FRANKLIN, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. GEJDENSON, Mr. BRITT, Mr. BROOKS, Mr. BROYHILL, Mr. CARNEY, Mr. CARPER, Mr. CARR, Mr. CHAPPIE, Mr. CLARKE, Mr. CLAY, Mr. COELHO, Mr. CONYERS, Mr. COOPER, Mr. COUGHLIN, Mr. COURTER, Mr. COYNE, Mr. DANIEL B. CRANE, Mr. GEPHARDT, Mr. GIBBONS, Mr. GINGRICH, Mr. GORE, Mr. GRADISON, Mr. GRAY, Mr. GREEN, Mr. GUARINI, Mr. GUNDERSON, Mrs. HALL of Indiana, Mr. HANSEN of Utah, Mr. HARRISON, Mr. HARTNETT, Mr. HATCHER, Mr. HAWKINS, Mr. HAYES, Mr. HEFNER, Mr. HERTEL of Michigan, Mr. CROCKETT, Mr. DANIEL, Mr. DANNEMEYER, Mr. DARDEN, Mr. DASCHLE, Mr. DAUB, Mr. DAVIS, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DERRICK, Mr. DIXON, Mr. DOWDY of Mississippi, Mr. DUNCAN, Mr. DURBIN, Mr. DYMALLY, Mr. DYSON, Mr. KINDNESS, Mr. KOGOVSEK, Mr. KOLTER, Mrs. HOLT, Mr. HOWARD, Mr. HOYER, Mr. HUBBARD, Mr. HUGHES, Mr. HUTTO, Mr. JEFFORDS, Mr. JENKINS, Mr. JONES of Oklahoma, Mr. JONES of North Carolina, Ms. KAPTUR, Mr. KASICH, Mr. KASTENMEIER, Mr. KAZEN, Mr. KEMP, Mrs. KENNELLY, Mr. O'BRIEN, Mr. OTTINGER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LATTA, Mr. LEATH of Texas, Mr. LEHMAN of Florida, Mr. LELAND, Mr. LENT, Mr. LEVIN of Michigan, Mr. LEWIS of California, Mr. LIPINSKI, Mr. LOEFFLER, Mr. LOWERY of California, Mr. LOWRY of Washington, Mr. MADIGAN, Mr. MARKEY, Mr. MARRIOTT, Mr. MARTIN of New York, Mr. MARTIN of North Carolina, Mr. OWENS, Mr. PANETTA, Mr. PARRIS, Mr. PATTERSON, Mr. PICKLE, Mr. PRICE, Mr. PRITCHARD, Mr. RATCHFORD, Mr. RICHARDSON, Mr. ROBERTS, Mr. RODINO, Mr. ROE, Mr. ROEMER, Mr. ROSE, Mr. RUDD, Mr. RUSSO, Mr. MATSUI, Mr. MAVROULES, Mr. MCCLOSKEY, Mr. MCCOLLUM, Mr. MCCURDY, Mr. MCKINNEY, Ms. MIKULSKI, Mr. MILLER of California, Mr. MINETA, Mr. MINISH, Mr. MITCHELL, Mr. MOLINARI, Mr. MONTGOMERY, Mr. MOODY, Mr. MOORE, Mr. MOORHEAD, Mr. MORRISON of Connecticut, Mr. MURTHA, Mr. MYERS, Mr. SABO, Mr. SCHEUER, Mr. SCHUMER, Mr. SHANNON, Mr. SHAW, Mr. SILJANDER, Mr. SISISKY, Mr. SMITH of Florida, Ms. SNOWE, Mr. SOLARZ, Mr. SOLOMON, Mr. SPRATT, Mr. STANGELAND, Mr. STARK, Mr. STOKES, Mr. STRATTON, Mr. STUMP, Mr. TALLON, Mr. TAUZIN, Mr. NIELSON of Utah Ms. OAKAR, Mr. OBERSTAR, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. TORRES, Mr. TORRICELLI, Mr. TOWNS, Mr. TRAXLER, Mr. VALENTINE, Mr. VANDER JAGT, Mr. WALGREN, Mr. WAXMAN, Mr. WEISS, Mr. WHITLEY, Mr. WHITTAKER, Mr. WISE, Mr. WOLF, Mr. WOLPE, Mr. WON PAT, Mr. WORTLEY, Mr. WYDEN, Mr. WYLIE, Mr. YATRON, and Mr. YOUNG of Missouri.

H.J. Res. 585: Mr. GORE, Mr. WOLPE, Mr. EDGAR, and Mr. DURBIN.

H.J. Res. 587: Mr. ALBOSTA, Mr. BOLAND, Mr. FRANK, Mr. MURTHA, Mr. CLAY, Mr. DYMALLY, Mr. GUARINI, Mr. FOWLER, Mr. COUGHLIN, Mr. DE LA GARZA, Ms. KAPTUR, Mr. DELLUMS, Mr. LONG of Maryland, Mr. EMERSON, Mr. GEPHARDT, Mr. CROCKETT, Mr. DUNCAN, Mr. LOWRY of Washington, Mr. LEVINE of California, Mr. FORD of Tennessee, Mr. LUKEN, Mr. O'BRIEN, Mr. LELAND, Mr. WAXMAN, Mr. COURTER, Mr. SMITH of Iowa, Mr. GORE, Mr. EARLY, Mr. STOKES, Mr. CONTE, Mrs. BOGGS, Mr. ROYBAL, Mr. PURSELL, Mr. DICKS, Mr. FLIPPO, Mr. FAUNTROY, Mr. FOLEY, Mr. ROSE, Mr. SUNIA, Mr. COYNE, Mr. BROWN of California, Mr. GRADISON, Mr. WISE, Mr. SCHEUER, Mr. MONTGOMERY, Mr. MORRISON of Washington, Mr. SYNAR, Ms. OAKAR, Mr. STAGGERS, Mr. MCCOLLUM, Mr. MCKERNAN, Mr. ANTHONY, Mr. FROST, Mr. FOWLER, Mr. BRITT, Mr. DARDEN, Mr. HATCHER, Mr. BLILEY, Mr. CORRADA, Mr. KRAMER, Mr. VENTO, Mr. TAUKE, Mr. IRELAND, Mr. LUNDINE, Mr. MCNULTY, Mr. KILDEE, Mr. DYSON, Mr. JEFFORDS, Mr. DOWDY of Mississippi, Mr. DURBIN, Mr. HORTON, Mr. HAWKINS, Mrs. KENNELLY, Mr. CARR, Mr. ADDABBO, Mr. PRICE, Mr. DASCHLE, Mr. PEPPER, Mr. VANDER JAGT, Mr. ERDREICH, Mr. EDGAR, Mr. SUNDQUIST, Mr. WILSON, Mr. OTTINGER, Mr. SPENCE, Mr. DAVIS, Mr. MARTIN of North Carolina, Mr. PERKINS, Mr. RANGEL, Mr. ANDREWS of North Carolina, Mr. JONES of Oklahoma, Mr. KINDNESS, Mr. LOWERY of California, Mr. MOLINARI, Mr. FLORIO, Mr. DWYER of New Jersey, Mr. HEFTEL of Hawaii, Mr. FRENZEL, Mr. SWIFT, and Mr. YATRON.

H.J. Res. 603: Mr. HORTON, Mr. WON PAT, Mr. REID, Mr. ROE, Mr. OWENS, Mr. KOLTER, Mr. FROST, Mr. KLECZKA, Mr. LEVIN of Michigan, Mr. CORRADA, Mr. DE LA GARZA, Mr. RICHARDSON, Ms. FIEDLER, Mr. BONER of Tennessee, Mr. RODINO, Mr. HARRISON, Mr. DASCHLE, Mr. DELLUMS, Mr. PATTERSON, Mr. ADDABBO, Mr. BEILENSON, Mr. ROSE, Mr. CLAY, Mr. BRITT, Mr. LOWRY of Washington, and Mr. WORTLEY.

H.J. Res. 606: Mr. BARNES, Mr. BATEMAN, Mr. BEVILL, Mr. BONER of Tennessee, Mr. BOSCO, Mr. DURBIN, Mr. EDGAR, Mr. EMERSON, Mr. FLIPPO, Mr. FROST, Mr. GRAMM, Mr. KOSTMAYER, Mr. LIVINGSTON, Mr. LONG of Maryland, Mr. PASHAYAN, Mr. SIMON, Mr. SOLOMON, Mr. TAUZIN, Mr. APPLEGATE, Mr. BILIRAKIS, Mr. BOUCHER, Mr. CONTE, Mr. EDWARDS of Oklahoma, Mr. KLECZKA, Mr. LEVINE of California, Mr. MCHUGH, Mr. MARKEY, Mr. MAVROULES, Mr. MOAKLEY, Mr. PURSELL, Mr. ROWLAND, and Mr. SNYDER.

H.J. Res. 609: Mr. MORRISON of Connecticut and Mr. HAMMERSCHMIDT.

H.J. Res. 613: Mr. ROBERTS, Mr. CORRADA, Mr. PERKINS, Mr. CONYERS, Mr. HOYER, Mr. FAUNTROY, Mr. PATTERSON, Mr. WON PAT, Mr. CARPER, Mr. VOLKMER, Mr. QUILLEN, Mr. CHAPPELL, Mr. TOWNS, Mrs. BURTON of California, Mr. FAZIO, Mr. DARDEN, Mr. HEFNER, Mr. ACKERMAN, Ms. OAKAR, Mr. BOSCO, Mr. BARNES, Mr. WHITTAKER, Mr. RANGEL, Mr. RATCHFORD, Mr. CROCKETT, Mr. FLORIO, Mr. ROE, Mr. HERTEL of Michigan, Ms. KAPTUR, Mr. YOUNG of Alaska, Mr. FRANK, Mr. HATCHER, Mr. REGULA, Mr. FUQUA, Mr. STENHOLM, Mr. BATES, Mr. HOWARD, Mr. RICHARDSON, Mr. VENTO, Mr. FROST, Mr. GRAY, Mr. FORD of Tennessee, Mrs. HOLT, Mr. HAWKINS, Mr. BERMAN, Mr. KLECZKA, Mr. EARLY, Mr. MINETA, and Mr. SIMON.

H.J. Res. 624: Mr. BROWN of California, Mr. CROCKETT, Mr. DARDEN, Mr. DASCHLE, Mr. DELLUMS, Mr. LEVIN of Michigan, Mr. MADIGAN, Mr. RICHARDSON, and Mr. SOLARZ.

H. Con. Res. 239: Mr. BEREUTER.

H. Con. Res. 268: Mr. LOWRY of Washington, Mr. MATSUI, and Mr. STARK.

H. Con. Res. 302: Mr. GONZALEZ and Mr. VENTO.

H. Con. Res. 322: Mr. DURBIN, Mr. MATSUI, Mr. PATTERSON, and Mr. TALLON.

H. Res. 496: Mr. SKEEN, Mr. ROBERTS, Mr. THOMAS of Georgia, Mr. STENHOLM, Mr. GEPHARDT, Mr. STARK, and Mr. STAGGERS.

H. Res. 555: Mr. EVANS of Illinois, Mr. FEIGHAN, Mr. BRITT, Ms. FERRARO, Mr. ASPIN, Mr. DURBIN, Mr. COELHO, Mr. BROWN of California, Mr. DWYER of New Jersey, Mr. STUDDS, and Ms. OAKAR.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 5151

By Mr. PEASE:

—Page 29, after line 8, insert the following new section (and redesignate succeeding sections accordingly):

STUDY OF PACKAGING OF DISTRIBUTABLE COMMODITIES

SEC. 115. (a) The Secretary of Agriculture shall conduct a study—

(1) to identify each of the forms and sizes of packaging currently used by the Commodity Credit Corporation for the storage of milk and the products of milk;

(2) to identify alternative forms and smaller sizes of packaging available for the storage of milk and the products of milk by such Corporation which would make such milk and products of milk more readily available for immediate distribution to recipients under any commodity distribution program administered by the Secretary of Agriculture; and

(3) to determine with respect to each form and size of package, identified under paragraph (1) or paragraph (2), for milk and for each product of milk—

(A) the cost that would be increased by the Commodity Credit Corporation to provide for the packaging of such milk or product of milk in such form and size of package; and

(B) the cost that would be incurred by such Corporation to store such milk or product of milk as so packaged.

(b) Not later than January 1, 1985, the Secretary of Agriculture shall submit to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report specifying the results of the study conducted under subsection (a).

H.R. 5973

By Mr. SMITH of Florida:

—Page 72, after line 2, add the following new section:

SEC. 314. None of the funds provided by this Act to the Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

H.R. 6028

By Mr. DAVIS:

—Page 3, after line 16, insert the following:

For establishing and operating an Indian and Rural Youth Emphasis training center at Newberry, Michigan, as authorized by section 427 of the Job Training Partnership Act, $4,750,000, in addition to amounts otherwise provided herein.

H.R. 6040

By Mr. DENNY SMITH:

—Page 3, line 1, strike out "or vegetable" and insert in lieu thereof ", vegetable, nut, or specialty crop".

By Mr. WILLIAMS of Montana:

—Page 25, after line 17, insert the following:

For the operation and maintenance of Tribally controlled Community Colleges, $871,200 in addition to amounts otherwise provided herein.

EXTENSIONS OF REMARKS

THE UNITED STATES SHOULD WELCOME JAPAN'S INCREASED INTERNATIONAL STATUS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, the United States would do well to remember an old adage when it considers Japan's increased strength in the international system.

As teacher and parent, I know there's truth in the phrase, "Imitation is the highest form of flattery." A good parent does not fear the success of his child, but welcomes it. Japan is, in a sense, the U.S. prodigy child. Now she is grown and ready to assume more responsibility in a free international market.

The United States should welcome Japan's new international economic status and encourage Prime Minister Yasuhiro Nakasone's programs to assert a greater role for Japan in the global system.

A child's success strengthens a strong parental bond. The benefits of a new mature relationship are mutual.

Joseph Fromm, an assistant editor for U.S. News & World Report who was in Japan during the MacArthur occupation, wrote a perceptive personal reflection on this topic which I include and highly recommend to the attention of my colleagues:

JAPAN A SUCCESS STORY FOR AMERICA, TOO

TOKYO.—Japan, in the eyes of many Americans, is turning out to be a Frankenstein's monster unwittingly created during the years of the U.S. occupation—a formidable economic rival and uncertain ally. That view stems from Japanese industry's challenge to America and Tokyo's apparent reluctance to bear an equitable share of the common defense. Some Americans complain that the Japanese have forgotten the benefits that the occupation brought them and have become cynical about their partnership with the U.S.

Is this an accurate picture of today's Japan? A reporter who covered the occupation and has just returned to Tokyo for the first time in 30 years finds that nothing could be further from the truth.

The inescapable conclusion, underscored by talks with Japanese in every walk of life, is this: One of history's most remarkable success stories is on display here—a story of success for Americans as much as for Japanese.

The unique relationship forged between the occupying Americans and the conquered Japanese is alive, strong and likely to last into the predictable future. It has transformed Japan in ways that are downright breathtaking to a reporter who last saw this country as the occupation was ending.

When I left in 1953, this was still a nation with little hope. Many experts in Gen. Douglas MacArthur's headquarters doubted that Japan, overcrowded and lacking in natural resources, could become self-sufficient even in 50 years. Some wondered if democracy could long survive and suspected that strident militarism soon would re-emerge.

The Japan that I found upon my return could not be more different from the country I left 30 years ago—nor could it more thoroughly refute the gloomy prognosis of the early 1950s. In fact, the Tokyo that I knew no longer exists. In its place there is a prosperous and bustling metropolis of gleaming skyscrapers, modish shops and smart restaurants. The sidewalks are crowded with businessmen in three-piece suits and young men and women sporting the latest New York fashions. Downtown Tokyo resembles nothing more than Madison Avenue multiplied 100 times over. But there are differences. The streets and subways are clean and safe. Without a second thought, my interpreter traveled to her home in a remote district by subway at midnight. Violent crime by New York or Detroit standards is negligible and declining.

Everywhere there are signs of the affluence, dynamism and industrial prowess that once seemed forever beyond Japan's reach—and that today have converted this country into an economic superpower. In the fashionable Roppongi district of Tokyo, where I owned a small house, I learned how badly I had misjudged Japan's prospects: Property that I had scrambled to sell for $7,000 in late 1952, after anti-American rioting reinforced my worst fears about the future, now is valued at 2 million dollars.

What has brought about this transformation? In retrospect, it is clear that the Americans and the Japanese share the credit for an economic and political miracle—the Americans for imposing what must have been the most enlightened military occupation on record, and the Japanese for capitalizing on U.S. magnanimity to build an industrial democracy on the ashes of their defeat.

WHEN STUDENTS OUTRUN TEACHERS

With few exceptions, democratic reforms have succeeded beyond the wildest hopes of the occupation authorities who engineered them, largely because the Japanese had decided from the outset that there was much to learn from a nation that could inflict the first military defeat in their history.

Rather than resist their occupiers, they embraced the reforms essential to convert Japan from a feudal nation into a modern, industrial society—the eradication of a farm system that enslaved the peasants, the liberation of women from "subhuman" status, the establishment of trade unions, the guarantee of universal education through high school and the introduction of a democratic political process.

Since the occupation, the Japanese have continued to learn from the United States and to use that knowledge to outpace their teachers. Observes an American official who has spent many years in this country and in India: "The Indians say give me your money but keep your brains." The Japanese say give me your brains but keep your money."

Among the Japanese, especially those who can recall the MacArthur years, you find an almost universal gratitude for what the occupation did for their country. This was brought home to me when I was called out of the blue by a woman who had read in the *Yomiuri Shimbun* about my visit. "Fromm-*san*," she said, "I want to thank you and the other Americans in the occupation for what you did for Japan. You planted the seeds of democracy here. Women of my generation will never forget what you did for us."

Similar sentiments were expressed by a man with close rural connections: "Japanese farmers still remember the days when they toiled for absentee landlords and had to sell their daughters into prostitution to survive. They have not forgotten that it was the Americans who made it possible for them to own their own land and to prosper."

The young have a somewhat different attitude. They take it all for granted, indifferent to the origins of Japan's current achievements or the contribution of the occupation. A political scientist who has studied the long-term impact of the MacArthur shogunate says that young people have absorbed American culture and "Japanized" it—a phenomenon that is not new in a country that borrowed liberally first from China and then from Europe. "When young men and women travel to America," he points out, "they are surprised to find that you in the United States also have Coca-Cola and 7-Eleven stores. In their minds, these have come to be viewed as Japanese institutions."

This picture of contemporary Japan, which an economist friend in Tokyo calls "a lukewarm paradise," is not by any means without its darker side. With more than 50 percent of married women now working outside the home, latchkey children and juvenile delinquency are a worry.

Suicides, traditionally a feature of the Japanese scene, are increasing at an alarming rate. More than 25,200 were reported last year, a rise of nearly 19 percent from the year before. A major cause is desperation among ambitious middle-class men unable to meet mortgage payments for astronomically expensive houses.

REALISM ABOUT TRADE BARRIERS

Among government officials and business executives, there is widespread concern over "economic frictions" with the U.S. and differences over Japan's defense role. As the Japanese are almost totally dependent on imports to feed their industries—a fact driven home painfully by the "oil shocks" in 1973 and 1979—they feel extremely vulnerable and view export trade as a life-and-death matter.

Their greatest fear is of a protectionist backlash in the United States and Europe that would throw up more barriers against their products. While they will bargain hard every inch of the way, it is clear that Japanese leaders in the end will make the concessions—"the minimum concessions," as an American observer puts it—necessary to defuse recurrent crisis over trade. That has been demonstrated in recent weeks by

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

agreements concluded with the U.S. to ease restrictions against beef and citrus imports from America and to internationalize the yen.

Still, it would be a delusion for Americans to assume that deals such as these will automatically eliminate Japan's hugh export surplus. The Japanese, aside from subtle protectionism and a modest defense burden, enjoy unique cultural advantages in their competition with the major industrial countries. There is still an exceptionally strong work ethic—though it may be eroding among the young—and a cozy sense of cooperation among industrialists, government and organized labor that is not found elsewhere.

DEFENSE—ECHOES OF THE PAST

American complaints about Japan's defense efforts strike a rich note of irony for a reporter who covered an earlier debate over rearmament during the occupation. I have vivid memories of General MacArthur in 1949 telling the Foreign Correspondents' Club in Tokyo that Japan should become "the Switzerland of the Far East," an unarmed neutral under United Nations protection. Later, he induced a reluctant Japanese government to accept a Constitution that renounced war and outlawed the maintenance of armed forces. Thirty-five years later, at the same Foreign Correspondents' Club, I heard Defense Secretary Caspar Weinberger speak of the need for another reluctant Japanese government to do more to build up its defense forces.

The Japanese reaction to this role reversal is summed up half facetiously by Prof. Irie Takanori of Meiji University; "Teacher America has realized that its earlier lessons were in error and would like student Japan to forget them. But the student is stubbornly clinging to the mistaken lesson."

Since the Korean War, Japan, under pressure from Washington, has turned a half-blind eye to the Constitution and built a modest Self-Defense Force with a budget representing about 1 percent of the gross national product, relatively the smallest contribution to security by any nation in the Western Alliance. Tokyo has agreed to expand this effort gradually by assuming responsibility to protect sea-lanes to a distance of 1,000 miles from these islands. While a majority of Japanese support the present defense effort, they are overwhelmingly opposed to any move to erase or dilute the antiwar provision in the Constitution. They fear that this could open a Pandora's box.

"I suspect," says a veteran Western diplomat, "that the Japanese people do not trust themselves. With rare and brief exceptions, their history has been marked by military dominance in one form or another. Without the constraints imposed by the Constitution, they are uneasy about what might happen—about the danger that the military again would dominate the country."

One indelible impression remains at the end of a journey of rediscovery: The Japanese, with few exceptions, still see their partnership with America, forged in the dark days of defeat, as the key to their security and continuing prosperity. Preserving it remains an overriding priority.●

CHRISTOPHER COLUMBUS QUINCENTENARY COMMISSION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BIAGGI. Mr. Speaker, I wish to lend my full support to the conference report to H.R. 1492 which passed the House last week. The legislation establishes a Christopher Columbus Quincentenary Commission to allow for this Nation to adequately prepare for a major celebration which will take place in 1992, to mark the 500th anniversary of the discovery of this great land—America.

I wish to pay a special tribute to my colleague from New York, Mr. GARCIA, who has been in the forefront of this legislation not only in terms of his introduction of the bill in the House, but his tremendous leadership throughout—especially in conference which allowed us to emerge with this sound legislative product.

The Commission is vested with the responsibility of ensuring that the celebration in 1992 take into account all of the dimensions of this historic event so it may be placed in its rightful place in world history. Central to the Commission's work will be to present and pay appropriate tribute to the great Christopher Columbus—a man of vision, courage, dedication, and conviction who embarked on a perilous journey and returned more than a conquering hero—he accomplished a feat which has earned him a lasting place in the annals of history. That same courage and conviction and sense of pioneering spirit was manifested in various segments throughout American history ranging from the first settlers who came in on the Mayflower, to the travels of Lewis and Clark, to the formation of 50 separate, but united States. That spirit which makes America the first and the best in the world brought us the inventions of Thomas Edison, the medical discoveries of Jonas Salk, the science and modern technology that has sent men and women into space. These all represent the American spirit.

The Quincentennial will be an opportunity for all peoples—of all nationalities—to share in the legacy of Christopher Columbus, an Italian sailor, who upon receiving assistance from the Queen of Spain, discovered America, which has become home to scores of Spanish, Italian, and other groups, all living united by the great bond of freedom. As an Italo-American, I take pride in this accomplishment, but as an American citizen, I take pride in the knowledge that our country is what it is today because of the unique blending of so many different people. Therefore, the celebration of the founding of our Nation should take place with no ethnic preference, but rather as a united Nation.

Two years ago, I was proud to stand before this Hall and announce the establishment of an organization in my hometown of New York City, the Columbus Quincentennial U.S.A. Organization, headed by its executive director, Norma Greenwood. For the past 2 years, serious planning has proceeded for the Quincentennial, part of which will take place in New York City. I feel that this is appropriate because of New York's historical role as the Gateway to the New World. Through New York's doors passed so many of our ancestors, whose spirits, hopes and dreams have become our spirits, hopes, and dreams.

It is in this spirit that I commend the passage of this legislation. During the Bicentennial of the United States in 1976, Americans showed the world its love for history and the pride they have in our great Nation. The Quincentennial should be an opportunity for the world again to see what makes America great.●

THE POST-CHADHA CONGRESS

HON. TRENT LOTT

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. LOTT. Mr. Speaker, on June 23, 1983, the Supreme Court in the case of INS against Chadha held unconstitutional the authority of one House of Congress to reverse the Attorney General's suspension of deportation orders. The Court subsequently held similar legislative vetoes unconstitutional in the FERC natural gas case and in the FTC used car rule case.

Since that time, Congress has been scrambling to put this Humpty Dumpty check on executive actions back together again. In some instances we have reamended existing laws having unconstitutional one- or two-House legislative vetoes by changing them to joint resolutions of approval or disapproval in conformance with the Court's dictum that any such actions must take the form of legislation and be submitted to the President for his signature or veto. In other instances, committees have been placing interesting new committee review provisions into law to maintain a check on certain executive actions and decisions.

The July 21, 1984, issue of the Congressional Quarterly contains an article on post-Chadha congressional actions, in which a congressional research study is cited to the effect that Congress has placed some 30 provisions into 11 bills enacted since last year's decision, allowing legislative vetoes of agency decisions. Most of these provisions call for committee

review of proposed agency actions. In signing the fiscal 1985 HUD appropriations bill, President Reagan cautioned Congress against including such committee veto provisions in legislation, indicating the administration would ignore such attempts to interfere with the Executive.

Mr. Speaker, as the CQ article indicates, "legislation providing a comprehensive solution to the question of congressional authority over agency rulemaking languishes in committee." One such bill is H.R. 3939, the "Regulatory Oversight and Control Act," which I introduced on September 20 of last year and which now has 70 House co-ponsors. The bill was designed specifically to address the Chadha decision with respect to agency rulemaking. It would require that Congress enact a joint resolution of approval for major agency regulations, and would permit Congress to block minor regulations by enacting a joint resolution of disapproval. Unfortunately, my bill has been blocked in both the Rules and Judiciary Committees, despite extensive hearings into the whole legislative veto issue initiated by the Rules Committee chairman last year.

Mr. Speaker, in my testimony before the Rules Committee on my bill on November 9 of last year, I warned that inaction on a comprehensive approach would either result in "unbridled delegations and runaway regulations; or you will witness a new proliferation of veto alternatives on individual authorizations, much as the original legislative veto spread like wildfire in a windstorm." The CRS study confirms my fears about this new proliferation of veto alternatives, some of which raise new constitutional problems. I think the time has come to impose some uniformity on this process before it gets further out of hand.

I am today writing to the chairman of the Rules Committee asking that the committee consider a final report based on its extensive hearings—one which will recommend a uniform set of legislative veto standards that meet the Chadha test while retaining for the Congress an effective check on agency actions. I think enactment of my regulatory oversight and control bill would be an important step in the right direction.

At this point in the RECORD, Mr. Speaker, I include the letter and Congressional Quarterly article to which I have made reference and commend them to the reading of my colleagues.

The items follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 31, 1984.

Hon. CLAUDE PEPPER,
Chairman, Committee on Rules,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to inquire about your plans for concluding our committee's inquiry into the post-Chadha legislative veto situation in the House.

Under your leadership, our committee has built an impressive hearing record on the status of existing statutory legislative veto provisions as well as on various proposed alternatives to the legislative veto given the Supreme Court's ruling. It is my hope that we can now produce an official committee report containing our findings and any recommendations. As you know, I have recommended a uniform process for handling agency regulations (H.R. 3939). Other constructive alternatives to the traditional one- and two-House legislative vetoes have been proposed by the various witnesses appearing before our committee.

I think it is particularly important for our committee to issue a final report which includes guidelines and recommendations given the uncoordinated proliferation of veto alternatives that are springing-up. According to a July 21 Congressional Quarterly article, based on Dr. Louis Fisher's CRS study, Congress has placed some 30 provisions in 11 bills providing vetoes of agency decisions over the past year since the Chadha decision—most involving committee (rather than one- or two-House) disapproval of agency actions. I think we have been less than diligent in policing such new provisions. Moreover, the President has warned in his recent signing of the fiscal 1985 HUD Appropriations Bill that such committee review devices are unconstitutional and therefore pose the prospect of another series of constitutional confrontations and decisions. I hope we can speak to such issues in our final report. I look forward to your response.

Very truly yours,

TRENT LOTT.

[From the Congressional Quarterly, July 21, 1984]

DESPITE HIGH COURT RULING, LEGISLATIVE VETOES ABOUND

[By Robert Rothman]

More than a year after the Supreme Court declared the legislative veto unconstitutional, Congress continues to include such provisions in bills it is passing.

Since the 7-2 court ruling on June 23, 1983, Congress has placed 30 provisions in 11 bills allowing legislative vetoes of agency decisions, according to a study by Louis Fisher, a specialist in U.S. government for the Congressional Research Service.

At the same time, Fisher wrote, Congress is adjusting a number of existing statutes that contain legislative vetoes, making them conform to the Supreme Court's decision.

But legislation providing a comprehensive solution to the question of congressional authority over agency rule-making languishes in committee. In addition, numerous cases challenging existing or previous legislative vetoes are pending in court.

BACKGROUND

A legislative veto is a tool by which a single congressional committee, one house of Congress or both the House and Senate may overturn an executive branch regulation or order.

The court, in *Immigration and Naturalization Service* v. *Chadha*, said legislative vetoes violate the Constitution's requirement that bills be approved by both houses of Congress and presented to the president for his signature or rejection. Before the decision, Congress had included such vetoes in more than 200 laws over the past 50 years. *(1983 Almanac p. 565)*

Writing for the court, Chief Justice Warren E. Burger acknowledged that the Constitution's scheme for separating and balancing governmental powers among three branches of government sometimes created practical and political difficulties.

But, he said, "convenience and efficiency are not the primary objectives—or the hallmarks—of democratic government. . . ."

With all of the system's "obvious flaws of delay, untidiness and potential for abuse, we have not yet found a better way to preserve freedom than by making the exercise of power subject to the carefully crafted restraints spelled out in the Constitution," Burger said.

The breadth of the court's ruling seemed to invalidate every form of legislative veto: by one or more committees, by a single chamber or by both houses. That conclusion was reinforced less than two weeks after the *Chadha* ruling, when the court struck down a two-house veto of a Federal Trade Commisssion regulation and a one-house veto aimed at a Federal Energy Regulatory Commission rule.

Despite speculation that the balance of power between Congress and the executive branch might be tipped by the court's veto rulings, there has been little obvious change.

"The sun appears to come up in the east and set in the west despite *Chadha*," said Alan Morrison, a Washington, DC, attorney who pressed the legal challenge to the veto before the high court.

BUSINESS AS USUAL?

Most of the legislative veto provisions Congress has inserted into bills since the court acted have called for congressional committee review of proposed agency actions.

Affected laws include the fiscal 1984 appropriations for the Department of Housing and Urban Development (PL 98-45); the fiscal 1984 authorization for the National Aeronautics and Space Administration (PL 98-52); the fiscal 1983 supplemental appropriations (PL 98-63); the Caribbean Basin Economic Recovery Act (PL 98-67); the fiscal 1984 Department of Transportation appropriations (PL 98-78); the fiscal 1984 Department of Defense authorization (PL 98-94); the first fiscal 1984 continuing appropriations resolution (PL 98-107); the fiscal 1984 District of Columbia appropriations (PL 98-125); the Public Lands and National Parks Act (PL 98-141); the fiscal 1984 Interior appropriations (PL 98-146); and the Rehabilitation Amendments (PL 98-221).

Several fiscal 1985 appropriations bills also include veto provisions. In signing one of them, for the Department of Housing and Urban Development, President Reagan July 18 urged Congress to "discontinue the inclusion of such devices in legislation."

JOINT RESOLUTION APPROACH

Meanwhile, Congress has replaced legislative veto provisions in several laws with requirements that Congress pass and send to the president a joint resolution to approve or disapprove of agency actions.

This has been the approach used in bills to reauthorize the Export Administration Act (S 979) and Amtrak (HR 3648), permit agency reorganizations (HR 1314) and modify the District of Columbia's home rule charter (HR 3932). *(Export Administration, Weekly Report p. 1264; Amtrak, p. 569; reorganization, p. 854)*

Fisher noted that the joint resolution approach actually strengthens the hand of the legislative branch. By requiring each house of Congress to pass a joint resolution within a certain period of time, the approach en-

ables one chamber to block an agency rule by inaction—in effect, a one-house veto.

Several members have introduced legislation to apply that approach across the board, although none of these bills is given much chance of passage this year.

In the House, Minority Whip Trent Lott, R-Miss., sponsored a bill (HR 3939) requiring a joint resolution of approval before major rules can take effect, a joint resolution for disapproval if Congress wants to block minor rules, and a change in House floor procedures to facilitate the offering of amendments to appropriations bills blocking specific rules.

In addition, Stephen J. Solarz, D-N.Y., has introduced a bill (HR 5759) to apply the joint resolution approach to arms sales. Solarz' bill would prohibit the president from selling arms to any country, with certain exceptions, unless Congress passes a joint resolution authorizing the sale.

HR 5759 would allow sales to NATO countries, Japan, New Zealand, Australia and Israel to go through unless Congress passed a joint resolution within 15 days disapproving the sales.

In the Senate, Charles E. Grassley, R-Iowa, and Carl Levin, D-Mich., have introduced S 1650, authorizing Congress to disapprove the rules of any agency by passing a joint resolution of disapproval.

Grassley also may offer S 1650 as an amendment to a bill (S 1080) making major changes in the federal regulatory process. That bill has been ready for Senate floor action for months, but chances of approval this session appear slim.

Rep. Elliott H. Levitas, D-Ga., a leading proponent of the legislative veto, predicted that Congress will eventually formalize a vetolike procedure. "There is a strong perceived need to have this mechanism in place," he said.

COURT ACTION

Outside of Congress, the battle over congressional authority to overturn executive action is taking place in the courts. Several pending cases have raised questions left unresolved after *Chadha*.

Perhaps the most significant unanswered question is whether the ruling can be applied retroactively. If so, thousands of agency decisions will be invalidated.

More than 100 cases have been filed to challenge the use of the Reorganization Act of 1977, which contained a legislative veto provision, to transfer authority from the Labor Department to the Equal Employment Opportunity Commission (EEOC).

In *EEOC* v. *Allstate Insurance Co.*, U.S. District Court Judge William H. Barbour Jr. ruled that the EEOC had no authority to enforce the Equal Pay Act, since authority under the act was transferred to the agency from the Labor Department in the Reorganization Act of 1977. Barbour said that the legislative veto provision could not be separated from the Reorganization Act, making the entire law unconstitutional. Moreover, Barbour ruled, the *Chadha* decision should be applied retoractively to invalidate the Labor-EEOC reorganization of 1978.

The government appealed, but on June 11, 1984, the Supreme Court dismissed the appeal for want of jurisdiction, In a dissent, Chief Justice Burger and Associate Justice Sandra Day O'Connor noted, "There apparently are also lingering questions after *Chadha* on what a court is to do once it finds a legislative veto unconstitutional and non-severable. Finally, there are the substantive questions whether *Chadha* should be applied retroactively . . . ."

Another issue involves whether the *Chadha* standard can be applied to committee review of proposed agency actions, by far the most frequent congressional exercise of authority over agencies.

In *City of Alexandria* v. *United States*, U.S. Claims Court Judge Christine C. Nettesheim said that it can be. In 1981, an official from the General Services Administration (GSA) discussed a proposed sale of surplus federal property to the city of Alexandria, Va., with Jack Brooks, D-Texas, the chairman of the House Government Operations Committee, and a staff member. The staffer later said he doubted the committee would approve the sale, and GSA decided not to submit the proposed sale for committee review, as it must under the Federal Property and Administrative Services Act of 1952 (PL 82-522). The city later purchased the property at a higher price, and sued.

Nettesheim concluded that the committee review practice was tantamount to a legislative veto, and thus unconstitutional.

In a friend-of-the-court brief to the U.S. Court of Appeals for the Federal Circuit, Brooks and Frank Horton, R-N.Y., ranking member of the committee, argued that the court's ruling "would render virtually every statute requiring transmittal or submission of information to Congress void on the implicit assumption that furnishing information produces intuitive influence or interference in the agencies' decision-making." On June 21, 1984, the appeals court overturned Nettesheim's decision.

Regardless of how the courts ultimately rule, Fisher said that as a practical matter, agencies need to keep up good relations with the panels that hold their purse strings.

"An agency might advise the committee: 'As you know, the requirement in this statute for committee prior approval is unconstitutional under the court's test,'" he wrote in *Extensions*, the newsletter of the Carl Albert Congressional Research and Study Center.

"Perhaps agency and committee staff will nod their heads in agreement. After which the agency will seek the prior approval of the committee," Fisher predicted.●

A SOUND ENERGY POLICY

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mrs. BOXER. Mr. Speaker, I believe the following testimony by Chrysler Corp. before the Subcommittee on Energy Conservation and Power Energy and Commerce Committee is historic.

It shows the concern of a big automaker for a sound energy policy and urges the continuation of fuel economy standards.

STATEMENT BY ROBERT M. SINCLAIR, VICE PRESIDENT-ENGINEERING, CHRYSLER CORP.

Thank you, Mr. Chairman. I am Robert M. Sinclair, Vice President of Engineering at the Chrysler Corporation.

I appreciate this opportunity to express Chrysler's views on the issue of automobile and light truck fuel economy, and especially how this issue relates to the bigger issue of energy conservation in our nation. We have submitted written answers to the Committee's formal questions for insertion into the hearing record, and I'd like in my oral comments this morning to concentrate on why I believe this country is being led down a primrose path toward destruction when it comes to energy conservation with regard to autos and light trucks.

Mr. Chairman, one year ago almost to this very day, Chrysler's Vice Chairman, Jerry Greenwald, testified before this Committee on the subject of energy conservation and CAFE standards for cars and light trucks. At that time, he said—and I quote—"We live by simple rules at Chrysler: we repay our debts and we obey the law." Today, I'm proud to say that Chrysler continues to obey the law with regard to CAFE. In fact, we have led the Big Three automakers in CAFE for the past four years, and we expect to do so again in model years 1984 and 1985 with passenger-car fleet averages of 27 and 27.7 miles per gallon, respectively.

Chrysler has met and continues to meet the CAFE standards because we have taken the energy conservation issue very seriously. Spurred on in part by the Energy Policy and Conservation Act, we consciously adopted an all-out corporate policy in the mid- to late-1970s of providing maximum fuel efficiency in our products. Our pledge to fuel economy was reinforced, as this body well knows, during the 1979-1980 federal loan-guarantee process by the fact that Chrysler was required by law to meet the CAFE requirements, or else we would have been put into default.

We met the law, but it didn't come cheaply. Chrysler has spent a record $4 billion to convert the overwhelming majority of its fleet to fuel-efficient, front-wheel-drive powertrains. (We will have spent more than $400 million of that, by the way, just moving our fleet from 26 mpg to 27.7 mpg.)

As a result of this massive undertaking, Chrysler has doubled its CAFE since 1974, and we are meeting a law that we believe has proven itself to be in the national interest. Now, however, after we have made these massive investments, there are those who would like to change the rules in the middle of the game and without much fanfare have the NHTSA dial back the CAFE standards—and undo a half-dozen years of social progress—by the flick of an administrative pen.

Chrysler strongly objects to this kind of national energy policy by convenience, and we think people of this nation object too. We have to ask, if Chrysler can meet the federal fuel economy law, then why can't our larger competitors? And even more important, what possible good is there in dialing back the fuel economy standards for the selfish benefit of companies which have ignored the law when such an action will surely send a dangerous message to the American consumer that there's no reason to worry about fuel conservation anymore?

Advocates of rolling back the CAFE standards would argue that today's relatively low fuel prices are justification for forgetting all about fuel economy and backing off on the law. They seem to forget that it's precisely because of the world's conservation habits of the last few years that we even have relatively stable fuel prices today. Are we really ready to backtrack to the gas-guzzling days of the 1970s, and set ourselves up for a third energy crisis? I hope not.

Yet that may be just what we're doing. Dialing back the CAFE standards would be another step in the wrong direction for fuel conservation and energy independence for our country. I think it's shocking to see, for

instance, that the use of gas-guzzling V-8 engines has gone up, not down, since the energy crisis of 1979 and 1980. In 1981, only 22 percent of all new U.S. cars had a V-8 under the hood. Last year, 32 percent did. Some would argue that Americans want V-8s because they want performance, but as Chrysler has shown with its innovative (and quite successful) Laser and Daytona sports cars, you can get just as much performance—and a lot more economy—with a turbocharged four-cylinder engine.

Rather than backtracking on the fuel conservation issue, Chrysler strongly believes that the government should be going the rest of the way in protecting the American public from the whims of OPEC and others by recognizing that petroleum is a finite commodity of strategic national proportions. And that means adopting a real national energy policy that gives consumers an incentive to buy fuel-efficient products.

And because the only conservation sign that most car drivers pay any attention to is to the one written on every gas pump in America—the price per gallon—Chrysler advocates an increased tax on gasoline and/or a surcharge on imported oil as the first step toward a bona fide national energy policy. America is far behind the rest of the industrialized world in gasoline taxes. Despite last year's nickel-a-gallon increase, the U.S. federal gasoline tax is still just half of Canada's tax, a fifth of Japan's, and less than a tenth of Italy's, to take but three examples.

If America had an energy policy as these other countries do, then we wouldn't need to worry about CAFE laws, as other countries in the world do not. Until a sensible long-term energy policy is adopted in this country, the CAFE requirements—for both cars and light trucks—should be left right where they are.

The government's credibility is at stake on this issue. To dial back the CAFE standards now would almost certainly make it impossible to institute other fuel-conservation programs in the future. It would send a message to the American people that we are willing to risk another energy crisis for the selfish interests of two giant law-breaking corporations. And it would also unfairly—and ironically—penalize those auto companies which have already paid the price to meet the CAFE standard. And that includes all of the major auto companies that sell in the American market, with the exception of the two which are now trying to change the law.

Mr. Chairman, in the auto business, it takes four or five years to design, develop, and tool a new vehicle or powertrain for production. If the CAFE standards are changed, and we who are meeting the law are not given at least that much time to revise our product lineups accordingly, then the companies which have ignored the law will gain significant, unearned advantages in the marketplace.

If, for instance, the companies which would break the law are released from their obligation to pay fines, they can use that money for future models and features that Chrysler can't afford because we spent our money on fuel economy. This is in fact a de facto penalty for Chrysler. Or to put it another way, Ford and GM will flunk the standards, and Chrysler will pay the fine. How ironic.

Mr. Chairman, Chrysler does not think this is what Congress had in mind when it passed the Energy Policy and Conservation Act of 1975, and we believe that any court in the land would uphold our belief. We hope that we would not have to test that belief, but we will not sit idly by and watch our investments go for naught. But beyond our private concerns, Mr. Chairman, there is reason enough for leaving the CAFE standards for passenger cars and light trucks where they are in the fact that to roll them back would be to do a great disservice to the American public. I hope that this Committee uses all the influence within its power to stop that from happening.

Thank you very much.●

THE PLIGHT OF FEDERAL SPENDING

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, it is no secret in Washington that I feel the Nation's most serious problem is irresponsible Federal spending. Citizens nationwide seem to share my views. The majority of Americans consistently rank the Federal deficit as their No. 1 concern. Yet Federal spending still increases and the deficit spirals upward. Congress seems to have difficulty disciplining itself when it comes to spending the taxpayer's money.

When we spend other people's money, it loses personal relevance. With self-discipline lacking, waste and inefficiencies are encouraged. The free market mechanism we fight so valiantly to preserve in other arenas is swallowed by the malfunctioning allocation system we blindly allow to develop.

Marvin Stone, in U.S. World & News Report, reprinted a Paul Harvey editorial entitled "The New Poor," which details just such a situation in Detroit. Government spending is not solving the problems of the poor in our country. It is mismanaging them—at the taxpayer's expense. As Harvey suggests, the plight of the poor is a political issue. What we seem to forget sometimes is that the plight of the taxpayer's moneys is also a potent political issue. With the Federal deficit at the top of the country's domestic agenda, more free handouts are not a viable solution to the dilemma of the poor, especially when these handouts are bumbled so blatantly.

I suggest my colleagues read the following article and reflect on the benefits of Federal spending at work.

WHAT'S WRONG WITH THE SYSTEM?

(By Marvin Stone)

A few weeks ago, we carried a three-page story entitled "The Desperate World of America's Underclass," describing the burden of dealing with hunger and dilapidated housing in America's cities. Efforts to help this impoverished segment of society also were dealt with.

All this stuck a chord with W.M. Herrin, Jr., of Mobile, Ala., after he read about a recent horrendous foul-up in Detroit. The story he called to our attention was written by the well-known newscaster and syndicated columnist Paul Harvey. We asked Mr. Harvey for permission to reprint his column, because it addresses the question Mr. Herrin raised: "What's wrong with our distribution system?"

THE "NEW POOR"

(By Paul Harvey)

A political issue this year will be made of the plight of our country's poor.

The Conference of Mayors reports an increasing demand for emergency food in 19 of 20 major cities. Yet the number of newspaper "help wanted" ads has increased each of the last six months, including ads for unskilled workers.

The dichotomy can be explained. Some of the poor are mentally ill, "unemployable."

Some are old people who have lived longer than they ever expected or prepared for. Some are single mothers living on reduced welfare benefits.

Many are drifters, heretofore fed at church soup kitchens or by the Salvation Army.

Taxpayers have not been stingy. Spending on food-stamp programs reached an all-time record high last year—19.2 billion dollars.

New York City provides homes for 10,300 homeless, some of them in hundred-dollar-a-day hotel rooms.

Recent generations have been cared for by government at whatever cost. And government's "free handouts" are expensive.

In December, 1982, Major Coleman Young of Detroit declared "a human emergency in Detroit"; he created "The Mayor's Emergency Relief Fund. "Food for the hungry." This would be none of your concern except that he sought and got food from the federal government "to feed the poor people of Detroit."

For what has happened since, the mayor blames the Department of Agriculture. Two days before Christmas, 77 tons of surplus flour arrived "to feed the hungry"; a week later, another 12 tons.

He says the USDA sent Detroit 10 times more food than its soup kitchens could handle; it had to be warehoused.

The Detroit News says the cost of warehousing the surplus food cost the city hundreds of thousands of dollars.

But that's not the worst part.

This year—13 months later—city trucks have hauled 150 tons of surplus food—

Flour and rice and turkeys and butter and cheese. Twelve-hundred turkeys—

City trucks have hauled all this stuff to a city dump and dumped it.

"It spoiled," we are told, "while in storage."

The city trucks moved the stuff from the warehouse to the landfill—after dark.

Well, that's not the end of it, either. We asked our Detroit bureau for a follow-up. It turns out that the Department of Agriculture auditors now report that almost 205 tons spoiled—worth nearly $418,000.

While people were going hungry in the streets, flour, rice, powdered milk and dry beans were contaminated by insects, rats and birds. Some 81 tons of frozen turkeys, cheese and butter rotted when a refrigeration system failed. And 79 tons of food just "disappeared."

Who's to blame? The Department of Agriculture says it will use its audit report to demand that the city pay for the lost food. Mayor Young insists the city should not be held responsible because the federal officials didn't have the sense to listen to him.

In the meantime, the rest of us were busy scraping up extra cash to pay our income taxes.●

SIMPLIFY REFUGEE EDUCATION PROGRAM ADMINISTRATION

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BIAGGI. Mr. Speaker, today I am introducing legislation that will assist many of our larger school districts in administering their refugee education programs by providing greater flexibility in the way in which eligible children are counted for Federal assistance.

Under this bill, local education agencies, which apply for funds under the Refugee Education Assistance Act, are able to use data provided by the Immigration and Naturalization Service to determine the numbers of eligible children. Under the current system, large urban school districts are required to conduct an independent data count, which results in significant cost to the local district. This amendment would simply allow LEA's the flexibility to use either their own data or data provided by the INS.

As New York's senior member of the House Education and Labor Committee, I have been actively involved in attempting to bring some administrative relief to this program. During our committee's consideration of immigration reform legislation during the last session, I joined with my colleague on the committee, BILL GOODLING, in offering this amendment. I also supported his efforts to offer this same initiative during House consideration of H.R. 1510, the Immigration reform bill, last month.

Given the questionable status of H.R. 1510 at this point in time, I believe that introduction of this legislation is necessary to assure that this issue remains high on our agenda during debate on the future of the pending legislation. If a bill is not adopted and signed into law this year, I intend to press for timely consideration of this bill in any future legislation considered by the Education and Labor Committee.

In this year, New York City received $736,210 in funds under REAA in order to educate 44,043 refugee children. Under this amendment, according to tentative estimates by city officials, New York could receive a minimum of $4.4 million in Federal aid which could increase to $14 million, depending on how many refugee children are being served.

Immigration reform is indeed needed by a number of municipalities, which are straining under the burden of providing services to refugees without being adequately compensated for such services by the Federal Government. This bill is a modest, but important part of the reform effort. I urge my colleagues to join me in supporting this legislation.

H.R. 6057

A bill to amend the Refugee Education Assistance Act of 1980 with respect to determinations of the number of eligible participants under such act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Refugee Education Assistance Act of 1980 (8 U.S.C. 1522 note) is amended—

(1) in the first sentence of section 201(c) by inserting "from State or local educational agencies" after "not available" and by inserting "from the most recent data available from the Immigration and Naturalization Service" after "of estimates"; and

(2) in the first sentence of section 301(c) by inserting "from State or local educational agencies" after "not available" and by inserting "from the most recent data available from the Immigration and Naturalization Service" after "of estimates".●

STEEL QUOTAS

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. FRENZEL. Mr. Speaker, the following editorial from the Journal of Commerce of July 13 lays out the President's problem on steel with brutal clarity.

According to the editorial, "increased protectionism will inevitably mean higher prices for steel and goods made with steel." The record of postwar protectionism shows no evidence that protected industries become more competitive and outgrow their need for protection.

There will be enormous pressures on the President to protect jobs; jobs that pay 50 percent more than the average wage in manufacturing in America. The protection will cost our economy and our consumers a good deal more than the jobs pay.

Whatever the President does will be criticized. I personally hope he will not make a choice which directs America toward an industrial policy where the consumers must subsidize noncompetitive enterprises.

The editorial follows:

[From the Journal of Commerce, July 13, 1984]

REAGAN'S DILEMMA ON STEEL

The International Trade Commission has handed President Reagan an election-year dilemma by recommending this week that the steel industry should get special protection from imports over the next five years through a combination of import quotas and higher tariffs.

The decision was by no means unanimous, with agency Chairman Paula Stern and Vice Chairman Susan W. Liebeler both dissenting. The industry may have been hurt by imports, but there are other reasons for its problems, not least of all wages, which far exceed the average in American industry. Mrs. Liebeler would have the aid conditional on a stiff wage cut.

In making his decision within the next 60 days, Mr. Reagan must weigh the immediate gratification of votes in the major steel states against many grave longer-term difficulties.

Increased protection inevitably will mean higher prices for steel and goods made with steel, will put the nation into direct conflict with the European Community, which has warned it will reconsider its 1982 agreement on limiting shipments, and will make it harder for the developing countries to increase their exports in order to service their debts.

Will increased temporary protection under the "escape clause" provision of the U.S. trade law help the steel industry overcome its problems? The record, as Dick Lawrence pointed out in these columns this week, raises grave doubts.

The ITC recently studied five industries—bicycles, carpets, watches, stainless steel flatware and sheet glass—which had received protection in the '50s and '60s. It found that only one—bicycles—has modernized and become more competitive. But even it is still pushing for higher import duties.

The steel industry has received all sorts of protection and keeps coming back for more. At best, escape clause protection allowed the industries time for more orderly phase-downs and resource transfers. The ITC majority would have the president insist that the steel industry present a "plan" for becoming more competitive and stick to it.

In making his decision, the president also must recognize that, as the U.S. dollar continues to soar to new highs and the trade deficit to widen to unheard of proportions, the calls for protection from imports will become more shrill on all fronts.

Not only is the United States sucking in imports but it is sucking in investments as well to help finance the huge budget deficit. Because of higher interest rates, the budget deficit is likely to widen, despite the congressional downpayment.

Next year could prove especially tricky, especially if the economy stalls and the loss of jobs due to the trade deficit becomes more apparent.

Should Mr. Reagan open the protectionist flood gates now, he would lay up a lot of trouble for himself in 1985 when pressures will be even greater. More could be gained for all with a more balanced fiscal and monetary mix that would bring down interest rates and the dollar.●

A FLOOD OF IMPORTS, A SEA OF RED INK, WHERE'S NOAH, MOSES?

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. GAYDOS. Mr. Speaker, in the June 25 edition of "Industry Week" there is a timely article by Mr. Phillip A. O'Reilly on the plight of the Nation's machine-tool industry.

Mr. O'Reilly, president and chief executive officer of Houdaille Industries, Inc., points out the industry's market

has been inundated by a flood of foreign imports; 35 percent of the total market has been lost. He suggests a 20th century Noah's Ark may be needed to save what is left.

The reason for this sad state of affairs is because our Government has, for the most part, chosen to ignore the predatory trade practices of foreign competitors and refused to properly enforce our Nation's trade laws or defend our home markets. In so doing, it not only risks the economic security of our country but its national security as well.

It is because of the Government's complacency that we have seen a trickle of goods from abroad grow to a torrent that has smashed a number of domestic manufacturing industries.

Mr. O'Reilly doesn't mention we could also use a Moses to lead us out of the sea of red ink into which that complacency has led us. Some of you may recall it was little more than a decade ago, 1971, that our Nation posted its first trade deficit in nearly a century: $2.3 billion. Today, after an almost unbroken string of deficits, the red ink stands at $100 billion and rising.

I urge my colleagues to read the following article by Mr. O'Reilly:

[From Industry Week, June 25, 1984]

FIGHT FOREIGN GOVERNMENT CARTELS

(By Phillip A. O'Reilly)

In the 20th century version of Noah's trial he was instructed by the Lord to fill his ark with two American-built machining centers, two American-built CNC lathes, two American-built grinding machines, and so on, because the torrent of products unleashed by the Japanese was flooding the market, and Noah's survivors might be all that remained of the once-proud American machine-tool industry.

Japanese numerically controlled (NC) machining centers gained a 70% market share in 1983, up from only 4% seven years before in 1976, Equal devastation occurred in NC lathes, and very deep pentration has taken place in other critical machine-tool lines. Imported machine tools, principally Japanese, have swept up to 35% of the total market.

American machine tools have not become an endangered species because the U.S. industry has outdated technology or is incapable of producing quality machines at fair prices. If that were true, other nations, principally European, would also have increased their share of our market, but his has not been the case. The United States remains the world's leading source of machine-tool innovation.

The Japanese achieved their position through the massive intervention and support of the Japanese government. In 1982, Houdaille Industries presented to President Reagan a petition that demonstrated, through numerous official Japanese documents, that the Japanese government has created a cartel in the Japanese machine-tood industry, effectively deterred foreign competitors in the Japanese market, and provided abundant subsidies in the form of grants, interest-free loans, low-interest loans, and a wide variety of tax breaks to enable Japanese machine-tool manufacturers to dominate the world's markets.

It is not possible for independent U.S. manufacturers to compete in those product lines where the resources of an entire nation are brought to bear against them. The deep pockets of their government have enabled the Japanese to develop great ability in sophisticated engineering and manufacturing techniques and to create an overwhelming advantage. The outcome in America has been the massive loss of jobs, manufacturing facilities, and skills, and has created a serious, if not terminal, gap in our industrial base.

Our concern is not just that of reestablishing equitable trade relations; it has now become a concern for our continuing ability to fight a conventional war. The National Machine Tool Builders' Association (NMTBA) has demonstrated, that, without government action, under existing trade laws our national defense capability will be critically weakened because we will no longer be able to produce the machine tools essential to the manufacture of military hardware in the event of a conflict. The security interest has been recognized on a bipartisan basis by the Congress, with senators and representatives of varying philosophical outlooks uniting to offer strong industry support.

In spite of the evidence presented and pressure from Congress, the Administration has thus far chosen not to act. This failure results from thinking conditioned by a mixture of illogical free-market ideology (combined with a disdain for industrial manufacturing businesses) and excessive concern for the political fortunes of Prime Minister Yasuhiro Nakasone of Japan. Positive recommendations from Commerce Secretary Malcolm Baldrige urging relief under Section 232 of the trade laws were sent back for further study, and discussions with the Japanese, conducted by the U.S. trade representative on their targeting practices, begun nearly a year ago, have been allowed to drift inconclusively.

Both the protection of our national industrial base and maintenance of international trade equity require strong action by our government on behalf of the machine-tool industry. It is time to take whatever steps are necessary to protect our economic well-being. Some steps, already taken by the industry, include consolidation of facilities (plant shutdowns), importation of foreign products, and off-shore production of machine tools. Virtually every large machine-tool manufacturer has begun at least to plan such measures and, in many cases, to implement them.

I do not want to mince words. These actions are not in the best interest of our nation. They will not protect our industrial base, they will not secure high-paying engineering and maufacturing positions for our citizens, and they will not provide ready access to critical machine tools for our manufacturers. They may enable the companies that are successful in undertaking them to survive as economic entities, with limited domestic employment opportunities. Unfortunately, there is no longer any choice for those companies in the bull's-eye of foreign targeters. The alternative is not to go on as we are, but to fade away altogether.

This is not an isolated tragedy. It has occurred and is occurring in other industries. It will occur in still others as less-developed nations adopt the Japanese model and learn to use it successfully.

Our dove, like the one that directed Noah to dry land, must come quickly in the form of strong affirmative action on the NMTBA's Section 232 petition.●

EPA: WHAT REALLY HAPPENED

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. FLORIO. Mr. Speaker, the reemergence of Anne M. Burford has again drawn much attention to the important issues of the environment.

Some have said that Mrs. Burford did no wrong and was unfairly hounded out of office in 1983.

The Washington Post magazine on July 29 featured an informative article on this matter by Jonathan Lash of the Natural Resources Defense Council that I believe my colleagues will find very helpful.

The article follows:

EPA: WHAT REALLY HAPPENED

A STRANGE DRAMA IN WHICH DAVID STOCKMAN PLAYS THE LEADING ROLE

(By Jonathan Lash)

On a blustery afternoon in March 1983, less than two weeks after Anne Burford had been forced to resign as administrator of the Environmental Protection Agency, the man President Reagan had named to replace her came to EPA headquarters to give a speech. The only space large enough was the shopping mall beneath the EPA offices. Several thousand people were jammed between the stores and the sandwich shops, straining to see the man who already seemed a hero.

"Here we go again," he began, and the audience broke into applause.

William D. Ruckelshaus was back at the same agency he had left 10 years earlier, and many at EPA were relieved and flattered. He joked. They laughed. He promised openness, fairness and strict enforcement of the law. They clapped and cheered.

One staffer said it was like "the liberation of a prison camp." A top official mused, "A prison camp—I guess so, but Anne was as much a prisoner as the staff." Ruckelshaus had already seen part of the prison-camp image. His old friend Ernst Minor, a high-level EPA employee, had quietly taken him one Sunday morning to look at his future offices. "There were," Minor said, "locks and bolts and safes and security systems all over the place. Bill just looked at me and asked: 'What's been going on around here?' "

Ruckelshaus' warmth, his openness and his acceptance of EPA's "transcendent" obligation to protect "human life and that which sustains human life, our natural environment," contrasted dramatically with the skepticism his predecessor showed for the mission of the agency. Ruckelshaus recruited and won White House approval of able and experienced professionals to replace the dozen top officials who had left the agency. EPA's ability to function has begun to recover, too, but that has been a slow and halting process.

Although Ruckelshaus has healed EPA's spirit and is tending its wounds, he acknowledges that it is "harder to bring back trust between the agency and the society. The

level of mistrust with the press, with the environmental organizations, and with the Congress was very high."

Ruckelshaus has ardently sought to improve the administration's environmental image. A man of moderation, he has kept his agency out of controversies. He gives frequent speeches and regularly meets with reporters and editors to emphasize the need to proceed calmly and deliberately in dealing with environmental problems. He helped to convince the White House to launch a campaign of presidential meetings and speeches on the environment.

In June and July, the president went to parks and refuges to affirm his commitment to protection of the environment and to extol his administration's record on environmental issues. He invited environmental leaders to meet with him (even promising to read the book from which this article is adapted).

But in the midst of all the carefully engineered environmental hoopla, he appointed Anne Gorsuch Burford to chair an environmental advisory group. Ruskelshaus was not consulted.

These events revived a question that has followed Ruchkelshaus since he returned to Washington. Which is the real Reagan environmental policy?

Mistrust of Ronald Reagan's environmental policies was born even before he was elected president. He had spent decades attacking federal bureaucrats as people who "think control is better than freedom." In campaign speeches, he had criticized environmental laws and blamed EPA for the woes of the steel and auto industries.

The nomination of James G. Watts to be secretary of the Interior exacerbated the fears of environmentalists. Watt challenged both environmental protection and the motives of its advocates, asking whether their "real" goal was to "weaken America." He set out, he said, to make the policies of the past and the civil servants who had implemented them "yield to my blows."

When Anne Burford (then named Anne Gorsuch) came on the scene several months after Watt's appointment, the stage was already set.

She did not think of herself as anti-environmental any more than she labeled herself an environmentalist. In this she and Reagan were much alike. Both said they believed in protecting the environment, but they seemed to believe the problems of doing so and the consequences of not doing so were much exaggerated.

In speeches and testimony during her first year as administrator, Burford rarely mentioned polution or its effects on human beings. When she did refer to the problems that her agency was responsible for solving, it was in brusque terms—mechanical problems subject to technical solutions.

Like the president to whom she remained loyal through good times and bad, Burford, top aides said, believed the problem was too much government: too much government interferes with industry, the great engine of American prosperity, and requires too much taxation to support a wasteful and bloated bureaucracy. Government regulators had gotten out of hand, and environmental regulators were among the worst of them.

She knew what had to be done. She planned drastic cuts and swift policy changes, and she distanced herself from much of the staff at EPA. Burford later said she isolated herself from the EPA staff on the advice of Watt. "Watt told her," said Joe Foran, her deputy chief of staff, "that it's a lot easier to fire people you don't know."

After she was sworn in, Burford spoke to the EPA staff. Already shaken by rumors about her plans, the staff was told of hopes that "the EPA of the Reagan administration will be remembered for the money it saved taxpayers because we streamlined regulations, cut down on permit-processing time and we together cut back on the required paperwork for EPA projects. We should work together to keep a lid on those unnecessary regulations which have created hardships on our national industries, driving up the cost of consumer goods."

Burford believed enormous savings could be achieved through simple improvements in management. "With each passing day, I find that to say that the agency has been mismanaged in the past is charitable. It has not been managed at all."

During the summer of 1981, Burford began to work on the budget for 1983. The EPA operating budget had been $1,355 million when Reagan took office; Burford proposed $975 million. Some who worked on the budget with her say she believed she could make the cuts without harm. But, said a senior budget official: "She didn't understand the budget gaming that went on within the administration. She thought OMB [Office of Management and Budget] would just congratulate her for carrying out the president's program."

Burford's 1983 budget called for a 28 percent cut from the 1981 budget. Considering inflation, it would put EPA back where it was in 1973, before the passage of the Resource Conservation & Recovery Act, the Toxic Substances Control Act, the Safe Drinking Water Act and the "Superfund" hazardous waste cleanup act.

On Friday, Nov. 13, 1981, EPA received its "passback," from the OMB. The agency demanded cuts nearly twice as deep as those proposed by Burford. The cuts would reduce EPA to little more than half its size. The cuts reflected the view, expressed in one OMB briefing package, that "fewer regulators will necessarily result in fewer regulations and less harassment of the regulated."

Burford was furious, said senior staff members. She had brought EPA in line with the president's program. Now OMB was suggesting she had not done enough. Her staff urged her to appeal. She agreed. They worked all weekend on a lengthy and strongly worded letter.

She wrote to OMB that she was "deeply committed to meeting the president's environmental and fiscal objectives" and believed she had done so. The OMB cuts, she wrote, threw "in disarray a number of major redirections I have proposed . . ." The passback, she continued, "smacks of a bottom line in search of a reason."

It was a remarkable letter, and it concluded with a threat to appeal to the president.

A Nov. 19 meeting with Stockman did not go well. He told her she was a political appointee and that it was her job to take the heat for the president's programs, said senior staff members. Nothing was resolved, but the discussions revealed OMB's deep antagonism toward EPA and Stockman's apparent conviction that long-term control of EPA regulations required much deeper cuts. There was hostility to EPA research, which, it was believed, would only fuel demands for more regulation in the future.

On Monday, Dec. 7, 1981, EPA officials took the dispute to the White House Budget Review Board, presided over by presidential counselor Edwin Meese and Chief of Staff James Baker. Burford argued, senior staff members said, that EPA had offered cuts as deep as those at any agency. Stockman would not budge. By then he was aware that the recession and the president's tax cuts were going to cause huge federal deficits.

Baker, said senior EPA officials, was concerned about political ramifications. Like Stockman, said John Hernandez, then deputy administrator of EPA, Baker and Meese viewed the EPA from "a general interest in regulatory reform, and they viewed budgetary reform as one of the ways you did it."

Only one minor issue was resolved. Emerging from the meeting, Burford exploded in frustration. Staff members recalled she said, "OMB just doesn't play fair." Stockman, too, say several officials who were involved, was upset. He felt that Burford had broken her earlier promise to him to cut the agency's budget by 50 percent if necessary.

Three days later, Burford went to the president. For three hours, she and Hernandez argued their case. "It was surprising to me," Hernandez said. "The reception by the president was so warm and easygoing that I had no problem talking, being fluent, debating Stockman. . ."

On each issue, Hernandez said, the president said: "We'll certainly take each of these under consideration. We'll consult with the vice president, and we'll make a decision on it." A short time later, the president called to tell Burford she had won, but asked if she might find additional research cuts.

The final cuts left the 1983 EPA budget 29 percent below the 1981 budget—30 percent cuts in staff, and 42 percent in research.

A few days after William Ruckelshaus was confirmed as the new EPA administrator in May 1983, the House of Representatives rejected the president's request for cuts in the 1984 EPA budget and voted to restore the budget to 1981 levels.

Ruckelshaus said he told Reagan before he accepted the job that, "if I went over and took a look and decided [EPA] needed more money, I was going to come back and ask him. He said fine." By May, Ruckelshaus had recommendations from his staff to ask for more than the House had voted.

Stockman argued against an increase over 1983 levels, said one high-level EPA official. Stockman suggested the Senate and House would compromise on the higher House figure, giving EPA a generous increase.

When the Senate and House conferees met to resolve differences, Stockman threatened a presidential veto unless they adopted the low Senate figure, according to an EPA staffer.

During the summer of 1983, Ruckelshaus worked to prepare his 1985 budget—a large increase back to 1981 levels. OMB cut it sharply—back again to 1983 levels, eliminating funds for indoor air pollution research and other health effects studies, and cutting back on enforcement.

Ruckelshaus, like Buford before him, apparently was surprised. OMB officials had told his staff that the agency's problems had been Buford's fault for not making a strong enough case for EPA. Ruckelshaus thought he had a mandate from the president to increase the budget. He appealed.

Ruckelshaus and other EPA officials took their case to Stockman, Baker and after Ruckelshaus' wife, Jill, had publicly criticized the Reagan administration over its termination of members of the Civil Rights Commission "[William] Ruckelshaus seemed," said one participant at the meet-

ing, "to be eager to reassure them he was a team player. He was very low-key." Stockman, however, was tough.

The appeal meetings went on for more than five hours. A few days later, Ruckelshaus met with Reagan. In the ends, he got less than half the increase in operating funds he wanted.

Ruckelshaus also had sought authority to seek an expansion of the "Superfund." Created in 1980—over the bitter opposition of then-congressman Stockman—to deal with dangerous abandoned toxic waste dumps, Superfund was a major factor in Burford's problems. Administration policy seemed to be to spend as little of the fund as possible in hopes it could expire in 1985. By 1983 only a few dumps had been cleaned up, while EPA estimates of the number of dangerous sites in the country had increased tenfold to more than 1,500.

Ruckelshaus wanted a major cleanup program. The president promised to seek reauthorization of Superfund, but not necessarily an expansion, in 1985.

"I guess I am surprised," said a senior EPA career official, "that [Ruckelshaus] didn't have a blank check after all. He may have been surprised too, but he didn't show it."

Three weeks after she took office, Burford announced a reorganization that eliminated EPA's enforcement office. The 2,100 lawyers, technicians and staff who had enforced air, water, hazardous waste, pesticide and toxic chemicals laws were transferred to offices on regulations and policy.

EPA staffers said Burford believed no one had tried hard enough to cajole violators into voluntary compliance. Seth Hunt, who designed the reorganization for Burford, said one of the agency's problems had been that it was "full of attorneys. Way more than we needed." Enforcement attorneys, Hunt said, were "just hanging 'round waiting for something to do."

Shortly after the reorganization, William Sullivan, the enforcement counsel, told EPA regional administrators not to send cases to headquarters until they had explored "every opportunity for settlement."

The regions referred 313 cases in 1980. The number fell to 59 in 1981. "The enforcement program just descended into chaos," said Tom Gallagher, chief of EPA's investigative arm.

By the end of a year, not a single hazardous waste case had been referred for prosecution. Enforcement of air and water laws was almost at a standstill.

Late in April 1982, Burford called the 10 regional administrators to Washington. She asked Mike Brown, the new enforcement counsel, to write a speech for her demanding more enforcement. "It was a hot day and the air conditioning wasn't on yet," recalled Brown. Burford, who released the speech to the press, did not read it word by word to her administrators. Brown said Burford told them " 'If you think it's hot now, wait until you see what happens if I don't see some action.' "

Valdus Adamkus, a regional administrator whose office had by far the best enforcement record, was bewildered. A large, warm, voluble man, Adamkus grew up in Lithuania and came to the United States after spending much of World War II as a refugee. He worked his way through college and engineering school, and gained some local fame delivering Lithuanian votes for Republicans in the overwhelmingly Democratic city of Chicago. He speaks with the thick accents of Eastern Europe and with the eloquence of emotion and sincerity.

"I said, 'I would like to clear the air. I was told to negotiate until I was blue in the face and it would be a black mark against me if I referred a case [to Washington headquarters for enforcement review]. Now I hear that is not so. What do you really want?'

"At this point, I was brutally interrupted by [Burford adviser James] Sanderson. He said, 'What the administrator told you is very clear.' Sanderson said that to speak as I did could only be said by someone who does not understand English. I was so hurt."

The room was silent. Finally, they broke up for coffee. "One person after another," said Adamkus, "came to us to apologize for what Sanderson had said, and to say I was right to speak as I did. Later Sanderson came to me, and he smiled and told me he had not meant what he said, but he had to say it because there were too many career staff in the room and my remark might leak out."

Brown said Burford "had learned she had to have enforcement, but she could not admit she had made a mistake, so she had to revise history; she had to say, 'I never told you not to enforce.' "

Nevertheless, EPA's enforcement machinery was crippled. "There was," Sullivan said, "no direction, no positive program. Anne never did set any substantive goal. She was like a drama critic who sat down to write a play. She only knew what she didn't like."

Ruckelshaus and EPA deputy administrator Alvin Alm decided not to reestablish the enforcement division, to try to make the new structure work. But the enforcement statistics for the last three months of 1983 were worse then the same period a year earlier. When Ruckelshaus asked why, he was told that it was the states' fault, that the organization was unworkable, that there was a shortage of resources, that he had not provided enough guidance.

He delivered a blistering speech to the enforcement management. He said the statistics were "terrible . . . We have to develop a certain controlled sense of outrage in this agency if we are going to get these laws enforced. And someplace along the way we have lost that." The states, he said, could not do the enforcement job "unless they have a gorilla in the closet . . . and the gorilla is EPA."

Nevertheless, a number of enforcement attorneys in the field still complain that the tough talk has not been matched by resources.

EPA has continued under Ruckelshaus, as it did under Burford, to do battle with OMB. A senior political appointee said, "They just don't think of us as team players. Oh, they put Bill [Ruckelshaus] in kind of a great man category now—nothing is his fault—they blame it all on Al [Alm] or the staff. They and the White House hate Al because he's a Democrat and he worked for Carter and he's from Harvard."

OMB still holds up dozens of EPA regulations. "OMB's attitude toward us," said a Ruckelshaus staff member, "is like the attitude of the Soviet Union toward its borders—they shoot to kill."

Stockman, a vitriolic opponent of EPA while he was a congressman, had written a memorandum to Reagan shortly after the 1980 election in which he characterized EPA's growing responsibilities as "a ticking regulatory time bomb," an "incredible morass of new controls and compliance procedures" and a "monument to mindless excess." He urged "swift, comprehensive, and far-reaching regulatory policy corrections" to choke off the "mind-boggling outpouring" of regulation from "heavily biased," "McGovernite no-growth activists" who had taken over government regulation.

Many of the statutes EPA administers are before Congress for renewal, but Ruckelshaus has either asked Congress explicitly to wait until next year, as in the case of Superfund and the pesticides law, or simply refused to push for action this year. Ruckelshaus has put the blame on environmentalists and Congress.

"Everybody knows what's going on," said a Senate aide. "They're hoping the gridlock will hold and they can deal with these laws in a more 'favorable' atmosphere in 1985."

Many environmentalists believe the ceasefire in the attack on environmental protection that has been in effect since May last year will end after the election if Reagan wins. They point to a recent memorandum to the Cabinet Council on Natural Resources and Environment written by Christopher DeMuth, director of the office of information and regulatory affairs at EPA. The memo urged that the Clean Air and Clean Water acts and related environmental laws be superseded by "laws that emphasize economic incentives rather than mandatory federal standards." The DeMuth memo, they suggest, accurately portrays the administration's second-term environmental agenda.●

CAUTION BEST APPROACH IN DEALING WITH SOVIET ARMS TALKS BOYCOTT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BROOMFIELD. Mr. Speaker, the Soviets have made it clear that they won't play by internationally agreed rules unless they can bend them to their advantage.

Their decision to boycott the Olympics was irritating and disappointing, but not dangerous to the peace of the world.

Their boycott of arms control negotiations is far more serious.

The administration is correct in exercising caution despite the election-year pressures on it to come up with an agreement—any agreement—before election day.

The Soviets are stalling for time, hoping to win in the forum of world opinion and the heat of domestic U.S. politics what no prudent administration would give up at the bargaining table.

As the following Wall Street Journal editorial points out, the central fact to keep in mind in dealing with the Soviets is that they cheat. A review of the history of Soviet treaty compliance over the last 25 years demonstrates that fact beyond doubt.

Whatever agreements we make with the Soviets must be clearly verifiable and grounded in a sober understanding of what is in the long-range interests of the United States and not de-

signed merely to achieve short-range, political window dressing.

Mr. Speaker, I commend the following editorial to everyone concerned about United States-Soviet arms negotiations.

[From the Wall Street Journal, July 30, 1984]

ARMS-CONTROL REALITIES

Walter Mondale wants it known that he favors a "mutual, verifiable nuclear freeze." None of these buzz-words, however, gets us very far in terms of a real debate on how to achieve substantive agreements with the Soviets.

To get beyond superficiality, it is necessary to address the nettlesome problems of verification and compliance. The Soviets cheat. They have consistently violated bilateral and international arms-control agreements.

The U.S. in the 1970s made concessions in the vain hope of changing Soviet behavior. The Reagan administration decided instead to bargain from strength and has received far more support from Democrats than the "freeze" talk in San Francisco suggested. U.S. negotiating teams, led by Gen. Edward Rowny and Paul Nitze, find, not unexpectedly, that they are taken far more seriously when the West shows it has the political will to defend itself.

The Reagan administration also has believed it prudent to assess Soviet violations. A newly completed, still-classified report makes clear that verification and compliance can never be mere modifiers of the word "freeze" but are a primary issue. Entitled "A Quarter century of Soviet Compliance Practices Under Arms Control Commitments: 1958-1983," the study was conducted by President Reagan's General Advisory Committee (GAC) on Arms Control and Disarmament, composed of distinguished outside experts led by William R. Graham. It documents Soviet arms control violations dating back to 1961 and, indeed, escalating during the SALT heyday of the 1970s.

The commission found 17 "material breaches" by the Soviet Union involving nine treaties and four "international commitments," according to a classified summary of the report obtained by the Journal. Of the 17 breaches, seven involved SALT. In addition, the commission cited 10 "suspected" violations, for which data were insufficient to reach a firm conclusion.

Of the 10 non-SALT violations by the Soviet Union, it lists:

The unilateral breach of the moratorium on nuclear testing in 1961-1962;

The positioning of offensive weapons in Cuba in 1962;

Violations of the Limited Test Ban Treaty of 1963 by extraterritorial venting of radiation from 1965 to the present;

Deployment of nuclear-missile-type submarines in Cuban waters in 1970-1974;

Violations of the Biological Weapons Convention of 1972 from the date it was signed until the present;

Breaches of the Geneva Protocol of 1925 banning the transfer of chemical weapons for first use against nonparty countries;

Transit of aircraft carriers through the Turkish Straits since 1976 in violation of the Montreux Convention of 1936;

Failure to provide advance notice of military exercises from September 1981 to June 1982 in breach of the Helsinki Final Act of 1975;

The use of booby-trap mines and incendiary devices against civilians in Afghanistan in 1981 and 1982 in violation of the Conventional Weapons Convention of 1981;

The completion of SS-20 launcher positions in 1982 and 1983, unilaterally breaching Leonid Brezhnev's commitment to a deployment moratorium on these intermediate-range missiles aimed at Europe.

The seven violations of the SALT I, SALT II and Anti-Ballistic Missile (ABM) treaties from 1972 to the present are:

Deployment of medium intercontinental ballistic missiles (ICBMs), the SS-19 and SS-17;

Deliberate concealment activities impeding verification;

Development and deployment of mobile ABM radars;

Deployment of modern submarines exceeding the limit of 740 ballistic missile submarine launchers without dismantling other ICBM or submarine launched ballistic missile (SLBM) launchers;

"Probable continued deployment" of SS-16 mobile ICBMs and launchers at Plesetsk;

Testing of the SS-X-25, a second new ICBM, in "probable violation" of SALT II;

Construction of large, non-peripheral, battle-management-type ABM radars.

The GAC panel's main conclusion finds a "recurring pattern of Soviet violations since 1972" and an all-out deception and concealment campaign to mislead the U.S. about the true extent of the Soviet military buildup.

Indeed, the violations may go beyond the 17 breaches listed above. The study also cites 10 "suspected" violations, of which "several could have major military significance." For instance, it says that a "Soviet program now seems to be pursuing genetic engineering for new agents." These weapons, it says, would be so "unique" that the "West may remain ignorant of their properties" and thus they could have "potential serious consequences" for Western defense.

In terms of the ABM violations, the commission further remarks that the "Soviet actions are consistent with an ABM 'breakout' capability" and the "covert use of air defense systems to enhance ABM capability." The installation of an effective Soviet ABM system would significantly alter the strategic balance. Other hidden dangers: The GAC study notes that the Soviets may have concealed "extra stored missiles" on land and on submarines.

How does the U.S. deal with such a regime? After assessing the threat posed by Soviet cheating, the U.S. has to either develop countermeasures or abrogate treaties and build the weapons itself. Indeed, Zbigniew Brzezinksi, former national security adviser to President Carter, recently wrote on this page that continued reliance on arms control may be fruitless and that the U.S. should rely more on strategic defense systems.

In the long run, the answer is to maintain such a multifaceted, survivable and credible defense that no end of Soviet cheating will yield any hope of superiority. In the words of a draft Republican platform plank, "Agreements must be verifiable, but verification is not enough to prevent Soviet violations. To deter violations, we must continue to rebuild America's strength and maintain the will to respond."

Congress has passed a measure calling on President Reagan to release the GAC report to Congress. It deserves a thorough public hearing as well during this election year. If Mr. Mondale is serious about debating arms control we urge him to get a copy.●

A SAVING GRACE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, at a time when budget deficits are soaring ever higher, I firmly believe that it is the responsibility of this Congress to trim down rather than increase Federal appropriations wherever possible. This is a responsibility that the Democrat-controlled House has continued to neglect. By adopting House Concurrent Resolution 280, the so-called pay-as-you-go budget resolution, the Democrats have once again demonstrated their unwillingness to exercise fiscal responsibility. Rather than increasing taxes to offset this deficit, as the $49.8 billion tax increase in House Concurrent Resolution 280 proposes to do, I believe that Congress should reevaluate Government expenditures and eliminate excessive subsidies and spending. It is wrong to place the burden of fiscal irresponsibility on the backs of taxpaying Americans.

During the budget debate I worked closely with Congressman WILLIAM DANNEMEYER in his attempt to present an alternative budget modeled after the savings recommended by the Grace Commission. The Grace approach is premised on the need to cut Government spending by eliminating the extreme waste and inefficiencies that are now all too characteristic of the American system of government. A viable and thoroughly prepared set of proposals to significantly reduce the overwhelming budget deficits that we are currently confronted with are at our disposal, and yet we continue to pursue the dead-end policies that created the deficit problem in the first place. It is high time to reverse our direction and implement at least some of the Grace recommendations.

The following article by Marvin Stone provides additional testimony to the need of incorporating the Grace recommendations before it is too late:

[From U.S. News & World Report, May 28, 1984]

A SAVING GRACE

(By Marvin Stone)

J. Peter Grace is too crusty and too stubborn a man to let his crusade founder. He knows that time and again experts have come up with ideas for saving taxpayers' money by making the government more efficient. He knows that, time and again, those proposals have been ignored, allowed to gather dust while the government went on its merry way, wasting more money.

Recently the public was presented with a new set of money-saving proposals. They are known as the Grace Commission report because they were drawn up by a group of 2,000 volunteer business executives headed by Grace, who is chairman of W. R. Grace

& Company. They spent 18 months and 75 million dollars of private funds on perhaps the most exhaustive study of government operations ever made.

Peter Grace is determined that this report must not be allowed to gather dust, like its predecessors. We share his belief that it should stir both Congress and the Reagan administration into quick and decisive action.

How much money would be saved if the Grace proposals were adopted? That is a matter of dispute. The commission estimates its 2,478 recommendations would produce a total of 424.4 billion dollars in savings over a three-year period. A joint review by two federal agencies—the Congressional Budget Office and the General Accounting Office—said the three-year savings would be "only" 97.9 billion dollars.

Only 97.9 billion? Is even that a figure to sneeze at? As the late Senator Everett M. Dirksen once said, "A billion here, a billion there, and pretty soon you're talking about real money." To the long-suffering taxpayer, 97.9 billion dollars is real money. Certainly, at a time when the government is running 200-billion-dollar deficits, something needs to be done.

How would the Grace recommendations gain their estimated savings? Mainly by more-efficient management and accounting practices. Grace told a Senate committee that "program waste and inefficiency and systems failures account for 312.2 billion dollars, or almost three quarters, of the 424.4-billion total savings."

His voluminous study cites example after example of how inefficiency costs taxpayers.

How long will the taxpayers put up with such waste? Seldom in history have people been more outspoken in their demands for relief. Grace says that "our mail is running 13 to 1 in favor" of the commission's report.

Fortunately, it's also seldom that government officials and lawmakers—frantically trying to cope with huge federal deficits—have been under more pressure to meet taxpayers' demands.

Already, in both Congress and the White House, there are beginnings of moves to implement at least some of the Grace recommendations. In Congress, bills have been introduced that Grace estimates would effect more than 5 billion dollars' worth of the proposed savings. The White House is moving to implement other proposals that could save additional billions without the need of new legislation.

But all these actions are only a small beginning. Much, much more remains to be done. So the leaders of the Grace Commission, including Grace himself and his top aide, J. P. Bolduc, are staying on the job to make sure that more will be done. They have begun a public-education program that includes such projects as a speakers' bureau, television documentaries, videotapes, "news briefs" and a massive advertising campaign.

Says Bolduc: "Only through an educated public, equipped to seek and demand a more efficient and less costly government . . . will truly meaningful progress be realized."

Critics charge that some Grace recommendations go beyond mere efficiency and intrude into policymaking that should be left to Congress and the President. But that's no excuse for ignoring the many other money-saving ideas.

Dirksen was right. Save "a billion here, a billion there" and there's a chance to give taxpayers some real solace. This chance should not be allowed to slip away.●

CAPTIVE NATIONS WEEK

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BIAGGI. Mr. Speaker, last week marked the 26th anniversary of "Captive Nations Week," and at this time I would like to recognize this important designated celebration and reaffirm my support for all those people living in the captive nations who continue to struggle for even the most basic human rights.

Unfortunately, Mr. Speaker, over the past 25 years the list of captive nations has grown to include Cuba, Vietnam, Laos, Cambodia, South Yemen, Afghanistan, and Angola. The history of communism and its enslavement of the people of these nations has been one marked by oppression, brutality, and disregard for basic human rights. This grim legacy continues as countless numbers of people are forced to live under tyranny, fear, and repression. The history of the captive nations is a somber one, but because of the heroic efforts of dedicated individuals throughout the captive nations, there is still hope for a brighter future.

A valiant contingent of freedom fighters continue to struggle against Communist tyranny throughout the captive nations. From the steep hill country of Afghanistan to the shipyards of Poland the cry for freedom and justice cannot be squelched—not even in the face of Soviet military might and the brutality of martial law. Throughout the captive nations freedom fighters continue to struggle for basic human rights against seemingly insurmountable odds. But the desire for freedom and self-determination is one that does not die easy. The entire world has taken notice of the brave struggle for freedom in places like Afghanistan where the Afghan rebels have fought the Soviet Red Army to a stalemate. The awesome power of the human spirit, as demonstrated by the Afghan rebels, is seen throughout the captive nations where the struggle against Communist repression and injustice is carried by an inspired group of brave people who have not given in to tyranny and keep alive the dream of liberty. From the jungles of Laos to streets of Gdansk the struggle for freedom marches on in many different forms—but behind this struggle is the very basic human desire to live a life of dignity, freedom, and self-determination.

The heroic struggle of these freedom fighters must not go unnoticed by those of us fortunate enough to live in the free world. In recognizing "Captive Nations Week," I ask my colleagues to express without equivocation, our undying resolve to support the rights of those brave people living in the captive nations who refuse to succumb to Communist oppression, and who have not forsaken their desire for freedom and self-determination.

Such an expression of solidarity sends a strong message to those brave people whose dream we share that someday they will emerge from the darkness of communism and come to live under the bright light of freedom. It also serves as a reminder to the Communist governments of the world that the United States will never remain silent in the face of continued human rights violations and unrestrained military aggression.●

AMERICA'S SHIPBUILDERS: A STRATEGIC INDUSTRY IN DECAY

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. GAYDOS. Mr. Speaker, for some time now, I have been among the leaders in trying to awaken the Membership of this body to the threat to America's national security because of increasing dependence on foreign steel.

I also have expressed concern about the state of America's merchant marine industry, another of our basic, smokestack, industries that is being allowed to wither on the vine.

Earlier this month, an event occurred which, perhaps, is symptomatic of the plight we have allowed ourselves to suffer. At that time, Avondale shipyards of New Orleans, delivered a 42,000-ton coastal tanker to Exxon, USA.

The delivery is something we could cheer about, if it weren't for one unsettling factor: with the delivery of this tanker, there are currently no other orders on record for deep-water commercial ships in this country.

This has very serious implications for America, Mr. Speaker. It means another basic industry is in danger. Just as the steel industry has suffered the loss of nearly 50 percent of the jobs it provided 10 years ago, now the shipbuilding industry, too, will suffer lost jobs.

But, even more important, there are vital skills being lost as well, and the disappearance of our commercial shipbuilding industry will have an effect on our Nation's security—a drastic effect.

What can we do? What should we do? The answers to salvaging our shipbuilding industry aren't any easier to come by than the ones we seek for the steel industry.

Lee Rice, president of the Shipbuilders' Council of America, suggests that a major problem is that no one in Gov-

ernment has the responsibility to make the necessary comparisons between industrial capacity and defense needs. Therefore, as Rice says, "no coherent maritime policy can come from the Government."

Mr. Rice suggests that three things need to be done—now.

First, we must study and determine the requirements of the Nation's sealift assets and how many are needed.

Second, we must determine how many shipyards are needed and insure the quality of those yards.

And, third, we must be prepared to commit ourselves to supporting those yards.

The impact on our shipbuilding industry, though, is just one part of the overall problem. There is a significant impact on our merchant marine industry as well, and this can be easily seen if one were to take a look at the campus of the Harry Lundeberg School of Seamanship in Piney Point, MD.

This school, which is run by the Seafarers' International Union, is the only union training school that takes newcomers and teaches them to be deckhands, engine room workers, or stewards on American cargo ships.

The decline of our maritime industry clearly parallels the decline in enrollment at the school. During the Vietnam war, when this Nation last employed a large fleet of cargo ships, the school sometimes had as many as 600 students earning their seafaring credentials.

Today, with cheaper foreign-flag ships and automated supertankers taking over the bulk of the work, the school's enrollment has shrunk to a mere 160 students—and only 61 of these prospective new seafarers will find sure jobs in the maritime industry, replacing veteran seamen who will die or retire.

The other 100 students are experienced men and women who are refining their present skills or learning new ones to secure their footholds in what is rapidly becoming a nonexistent job market.

Twenty years ago, the United States was the acknowledged leader in the world's maritime industry. Today, the United States ranks seventh in the world in merchant ship registrations, trailing Liberia, Greece, Japan, Panama, Norway, Great Britain, and the Soviet Union.

More importantly, we have seen our merchant fleet's share of American ocean-borne trade decline steadily, falling to only 4.5 percent of all U.S. shipping tonnage in 1981 and less than 15 percent of the value of all U.S. ship-carried trade for that year.

We cannot afford this. It places us in a dangerous position in the event of a national emergency. It leaves us stranded, in the hands of other nations.

I want to share with you some recent remarks by Rear Adm. George H. Miller, U.S. Navy (Ret.), that appeared in the May 1984 ROA National Security Report. Admiral Miller, too, is concerned about America's ability to protect and defend itself and it would be in our interests to pay close attention to his views.

[From the ROA National Security Report, May 1984]

THE WAR AMERICA IS LOSING

(By Rear Adm. George H. Miller, U.S. Navy (Ret.))

The United States is losing the war for world political, economic and military supremacy; the Soviet Union is winning. This is a war featuring a classic struggle to control international trade and to achieve advantageous geographical position, a struggle that determined the rise and fall of civilizations like those of Greece, Carthage and Rome.

The 4,000-ship, heavily subsidized Soviet Merchant Marine is spearheading the campaign for world hegemony. Soviet "trade delegations" established in an increasing number of nations worldwide, supervise political, subversive and terrorist measures to acquire political control and an increasing share of world trade. The expanding Soviet Navy patrols the seas to protect Warsaw Pact merchant shipping. Soviet land "war of national liberation" are the final phase of the Soviet maritime campaign, which unlike similar campaigns of history has encountered no serious competition.

The United States, having spent most of her first two centuries under the protective wing of the Monroe Doctrine and the British Navy, has been able to develop and market her vast, natural resources relatively free of serious threats from abroad.

This fortuitous bonanza of wealth and security spawned a society of affluence which has fallen victim to the same complacency that brought down previous affluent societies. While Western nations chase the butterflies of "free trade," the Soviet government-owned merchant marine cuts its shipping rates to the degrees necessary to capture the patronage of the world's free traders. As Soviet trade expands so does her merchant marine, historically essential to world power status.

Soviet and Warsaw Pact arms-laden merchant ships have built the military strength of communist Cuba and Nicaragua which now have the capability to deny use of the Panama Canal to the U.S. in an emergency. Infiltration of "illegal aliens" into the United States itself from Cuba and elsewhere, an age old method of softening up a victim for conquest, has been underway for some time.

Soviet merchant ships are designed to serve as naval and military auxiliaries. The Soviet Union mans their merchant ships with politically-trained intelligence agents and naval reservists. The Soviet Merchant Marine and Navy coordinate at the highest government level.

On February 9, 1982, the Defense reporter of the London Daily Express wrote, "Soviet intelligence officers are entering Britain disguised as merchant seamen with the freedom to travel where they like . . . Security officials estimate that about 1,000 Russian 'seamen' come to Britain each week . . ." How many such "seamen" enter North American ports each week?

The merchant marine policy of the United States, Section 101 of the U.S. Merchant Marine Act of 1936, as amended, states, among other things, that the U.S. Merchant Marine is necessary for national defense and development of foreign and domestic commerce. It states further that the U.S. Merchant Marine shall be capable of serving as a naval and military auxiliary (auxiliary Navy as well as military sealift) in time of war or national emergency.

The Merchant Marine Act also states that the U.S. Merchant Marine shall be capable of carrying U.S. domestic waterborne commerce and a substantial portion of the waterborne export and import commerce of the United States.

Both Congress and the Maritime Administration have interpreted the term "substantial portion" as capable of carrying a minimum of 50 percent of foreign waterborne trade in U.S.-flag ships. A merchant marine capable of carrying that portion of U.S. foreign trade would consist today of about 5,000 U.S.-flag merchant ships.

To be capable of serving as a naval and military auxiliary as the law requires, many U.S. merchant ships should be operating routinely at sea in support of the Navy, as the Soviet merchant marine now operates with their navy.

The National Security Act of 1947, as amended, states in Section 5012 that the Navy shall be organized, trained and equipped primarily for prompt and sustained combat incident to operations at sea and that it (Navy) is responsible for preparation of the naval forces for the effective prosecution of war. The U.S. Merchant Marine is, by law, part of the naval forces of the United States.

The U.S. government is increasing the size of the combat Navy. But unless it also builds the merchant ships necessary to augment and support the combat Navy, as the law requires, the United States will still have only half a Navy. Secretary of the Navy John Lehman wrote in the Washington Post of December 12, 1983, that "The Navy is Ready."

A few years before Mr. Lehman became Secretary of the Navy, the Deputy Chief of Naval Operations for logistics, when asked how long the Navy could sustain major combat without adequate support of a U.S. Merchant Marine, replied without hesitation, "About one day."

U.S. Merchant Marine shipbuilding programs are virtually nonexistent. Where the United States shipbuilding industry was building an inadequate 94 merchant ships yearly 10 years ago, the annual building rate today is about 10 ships per year. The United States does not even have a ship research and development program comparable to those for aircraft, missiles, submarines and space.

Moreover, the U.S. Navy and Merchant Marine are no better prepared to operate together in an emergency today than they were prior to World War II. Then, however, the British were able to hold off the aggressor while the United States revised its shipbuilding midst the shock and confusion of another emergency.

Today the U.S. has hundreds of thousands of citizens deployed overseas, in Europe, Korea and elsewhere, for national defense. Without an adequate American Merchant Marine, it is impossible for the U.S. armed forces to support their forces overseas in a major war before they are annihilated or herded into cattle cars for the ride to Siberia.

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The 5,000 U.S.-flag merchant ships required to comply with Section 101 of the Merchant Marine Act is just about what the United States needs to support present foreign commitments and U.S. troops overseas, to transport essential supplies and to augment the combat Navy. The problem is to persuade weapons-oriented defense leaders to demand the same quality and realism in logistic planning that they require for deployment of their favorite weapons. If we can't sustain Americans overseas in combat, they should not be sent.

Responsibility for providing for the common defense, as the preamble to the Constitution requires, rests finally with the President, the Congress and the American people who elect them. This responsibility goes beyond feeding money to the insatiable big weapon constituencies. It includes determining when and under what circumstances it is in the common interest to commit our sons and daughters overseas and insuring that adequate support is available *before* they go.

The irony is that the Soviets have already built and are operating *their* navy and merchant marine as outlined in Section 101 of the U.S. Merchant Marine Act and Section 5012 of the U.S. National Security Act, while U.S. officials are ignoring important provisions of those laws. Meanwhile the Soviets are gaining would influence, and U.S. government officials appear not to recognize the grave implications of the Soviet drive to control international shipping.

The inevitable question then is why does Congress spend the money to come to Washington and pass laws when government officials don't bother to support them? Moreover, just how far down the road of negligence must a government official go before qualifying as treasonable?

The outlook? Unless the American people and government bring national defense in line with their Constitution and existing laws, *we* will be the El Salvador of the next generation.●

VOTING RECORD OF THE HONORABLE DON J. PEASE

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PEASE. Mr. Speaker, it has become my practice to insert periodically 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 rollcall vote number of the bill or resolution that the House was considering, followed by the bill number and a summary of the issue. This is followed by my own vote on the issue and the vote outcome.

This list of votes covers the period of January 24, 1984, through June 29, 1984:

KEY VOTES OF CONGRESSMAN DON J. PEASE

(8) H.R. 2615. Weatherization and Employment Act authorizing $200 million in fiscal year 1985 and necessary funds for the years 1986 to 1989 for low income weatherization program. Yes. Passed 222-157.

(11) H.R. 2714. Agricultural Productivity Act authorizing $10 million to conduct research on the effect of shifting from conventional, energy-intensive farming techniques to "organic" farming methods and to disseminate this information to farmers. Yes. Passed 206-184.

(17) H.R. 1904. Amendment to Child Abuse bill deleting "Baby Doe" section, which requires states that receive child protection grants to ensure that severely handicapped infants receive appropriate medical treatment. No. Failed 182-231.

(23) H.R. 555. Construction Work in Progress bill prohibiting the Federal Regulatory Commission from allowing utilities to include the costs of financing new power plants in rates, unless they demonstrate financial or new construction needs. Yes. Passed 288-113.

(29) H.R. 15. Establishment of a Select Committee on Hunger to conduct a comprehensive study of the hunger problem in the United States and abroad Yes. Passed 309-78.

(36) H.R. 3050. Rural Electrification Administration Financing, raising interest rates to REA borrowers by a variable rate formula and relieving REA of required repayment of long-term U.S. Treasury notes. Yes. Passed 283-111.

(41) H.R. 4164. Vocational-Technical Education Amendment, prohibiting the use of funds under the bill to buy equipment if the purchase results in financial benefit to an organization representing the interests of the purchaser or its employees. No. Passed 205-173.

(46) H.R. 3020. Small Business Authorization, authorizing $986 million in fiscal year 1984, $1.08 billion in fiscal year 1985, and $1.12 billion in fiscal year 1986 for Small Business Administration programs. Yes. Passed 386-11.

(55) H.R. 3755. Social Security Disability Reform Act, improving the Social Security disability review process and providing for payment of benefits to individuals whose cases are under appeal. Yes. Passed 410-1.

(57) H.R. 5154. NASA Authorization, authorizing $7.5 billion for NASA activities in fiscal year 1985, $40 million more than requested by the Administration. Yes. Passed 389-11.

(64) H.R. 5026. Prohibiting merchants from imposing surcharges on goods or services purchased with a credit card until May 31, 1985 and requiring a study on how the cost of credit cards could be borne by those who use them. No. Passed 355-34.

(70) H. Con. Res. 280. An amendment to the budget resolution, reducing deficits by $324 billion over three years by cutting military and domestic spending and increasing taxes. No. Failed 76-333.

(71) H. Con. Res. 280. An amendment to the budget resolution, reducing deficits by $261 billion by limiting domestic spending, holding defense increases to the rate of inflation, and raising revenues $76.2 billion. Yes. Failed 132-284.

(72) H. Con. Res. 280. An amendment to the budget resolution, reducing deficits by $234 billion by imposing a modified spending freeze, providing for inflation adjustments only in defense spending and most entitlement programs. Taxes would increase $47 billion. Yes. Failed 108-310.

(73) H. Con. Res. 280. An amendment to the budget resolution, reducing the deficit $205 billion by cutting domestic spending $94 billion, increasing defense spending $100 billion over the inflation level and raising revenue $47 billion. No. Failed 107-311.

(74) H. Con. Res. 280. The First Budget Resolution for fiscal year 1985, providing for a deficit reduction of $182 billion over 3 years by cutting domestic spending $16 billion, increasing revenue $50 billion and holding the increase in defense spending to 3.5 percent above the rate of inflation. Yes. Passed 250-168.

(82) H.R. 4170. Tax Reform Act, raises $49.2 billion in revenues over a four-year period; includes a freeze on 1984 tax cuts, curbs tax shelters and various tax abuses, and revises the tax treatment of private foundations and life insurance companies. Yes. Passed 318-97.

(87) H.R. 5397. Omnibus Budget Reconciliation Act of 1984, providing changes in law that cut spending by $3.9 billion over three fiscal years, including cuts in Medicare, welfare, veterans' and other benefit programs. Yes. Passed 261-152.

(90) H. Con. Res. 290. Resolution stating the sense of Congress that no appropriated funds should be used for planning, directing, executing or supporting the mining of ports or territorial waters of Nicaragua. Yes. Passed 281-111.

(94) H.R. 4974. Amendment to the National Science Foundation Authorization cutting funds across the board by 3.9 percent, resulting in a $58 million decrease. No. Failed 170-183.

(95) H.R. 4974. National Science Foundation Authorization providing $1.56 billion for fiscal year 1985 activities of NSF. Yes. Passed 252-99.

(109) H.R. 7. School Lunch and Child Nutrition Amendments, increasing funds for the Women, Infants and Children nutrition program, extending through fiscal year 1988 authorization for the summer food program for children, and liberalizing eligibility standards for school lunch and child nutrition programs. Yes. Passed 343-72.

(129) H.R. 4275. Amendment to the Federal Reclamation Hydroelectric Powerplants Authorization, requiring the power generated at Hoover Dam to be auctioned off at market prices to area utilities, instead of federal allocation under long-term contracts. Yes. Failed 176-214.

(135) H.R. 5119. Amendment to the International Security and Development Cooperation Act, eliminating $25 million in grant military assistance to the Philippines to signal U.S. displeasure with continuing human rights abuses. Yes. Failed 149-259.

(137) H.R. 5119. Amendment to the International Security and Development Cooperation Act, freezing military assistance program grants to non-Central American countries at the fiscal year 1984 appropriations level of $422.5 million. Yes. Failed 207-208.

(139) H.R. 5519. Amendment to the Foreign Assistance Authorization, providing $56.8 million less military aid to El Salvador in fiscal year 1985 than the bill provided. Yes. Failed 128-287.

(143) H.R. 5119. International Security and Development Cooperation Act authorizes $10.5 billion in foreign aid in fiscal year 1985—$4 billion in military, $5.6 billion in economic, and $961 million in other types of assistance. It also authorizes $129.3 million in supplemental military aid and $155 million in supplemental economic aid for Central America in fiscal year 1984. No. Passed 211-206.

(145) H.R. 5354. Equal Access Act, cutting off federal funds for school districts refusing to allow voluntary student-initiated religious groups in public high schools to use school facilities during noninstructional periods on the same basis as nonreligious stu-

dent groups. Yes. Failed under suspension 270-151 (two-thirds majority required).

(149) H.R. 5167. Amendment to Defense Authorization prohibiting procurement funding for any MX missiles in fiscal year 1985, stating that deletion of such funds constitutes a moratorium on MX funding, but not a unilateral termination of the MX program. Yes. Failed 212-218.

(151) H.R. 5167. Amendment to Defense Authorization eliminating all funding for procurement of components for binary chemical weapons (nerve gas). Yes. Passed 247-179.

(153) H.R. 5167. Defense Authorization Amendment deleting all procurement funds for the D-5 nuclear missile, designated to be launched from Trident II nuclear submarines. No. Failed 93-319.

(155) H.R. 5167. Defense Authorization Amendment barring the use of funds to purchase Sergeant York anti-aircraft guns (also called DIVADs) until the Defense Department reports test results to Congress. Yes. Failed 157-229.

(156) H.R. 4280. Women's Pension Equity Act, strengthening the pension rights of workers who interrupt their careers to raise a family and of homemakers who depend on the pensions of their working spouses. Yes. Passed 413-0

(158) H.R. 4145. State Justice Institute Act, creating a State Justice Institute to make grants to state courts to help them improve their operations. No. Failed 243-176 (a two-thirds majority is required for passage under suspension of the rules).

(162) H.R. 5653. Amendment to Energy and Water Appropriations for fiscal year 1985, cutting $10 million from breeder reactor research and transferring another $24 million from breeder reactor research to solar energy research and $9 million to nuclear fission programs. Yes. Failed 177-229.

(166) H.R. 5167. Amendment to the Defense Department Authorization for fiscal year 1985, barring the purchase of additional Pershing II missiles until April 1, 1985, and then only if the President certifies to Congress that the Soviet Union showed no willingness to limit such weapons. No. Failed 122-294.

(167) H.R. 5167. Amendment to the Defense Department Authorization deleting $7.1 billion for procurement of 34 B-1B bombers and spare parts in fiscal year 1985. Yes. Failed 163-254.

(168) H.R. 5167. Amendment to the Defense Department Authorization limiting fiscal year 1985 procurement appropriations to 106.5 percent of the amount appropriated in 1984. This procurement level is equal to that of 1984 plus the anticipated inflation. Yes. Failed 173-250.

(171) H.R. 5167. Amendment to the Defense Department Authorization providing that no funds may be used to test anti-satellite missiles (ASAT) against a target in space unless the Soviet Union conducts a test of its ASAT after enactment of the bill. Yes. Passed 238-181.

(175) H.R. 5167. Amendment to the Defense Department Authorization prohibiting the use of authorized funds to introduce combat troops into El Salvador and Nicarauga, except in certain circumstances. Yes. Passed 341-64.

(181) H.J. Res. 49. Agriculture Supplemental Appropriations. A motion that the House insist that no funds provided by the bill be used by the CIA for any covert actions against Nicaragua. The Senate amendment provided $21 million for such purposes. Yes. Passed 241-177.

(187) H.R. 5713. Amendment to Housing and Urban Development Appropriations permitting the president to cut any appropriations contained in the act by up to 10 percent. No. Failed 133-258.

(188) H.R. 5713. Housing and Urban Development Appropriations, appropriating $58.4 billion for HUD and such independent agencies as the Veterans' Administration, the Environmental Protection Agency, NASA, and the Federal Emergency Management Agency. Yes. Passed 282-110.

(194) H.R. 5712. Amendment to Commerce, Justice, State and Judiciary Appropriations, eliminating all funding ($31.3 million) for the National Endowment for Democracy (NED) in fiscal year 1985. The NED was established in 1983 to promote democracy overseas. Yes. Passed 226-173.

(195) H.R. 5712. Amendment to Commerce, Justice, State and Judiciary Appropriations to recommit the bill to the committee with instructions to trim 4 percent of all discretionary spending. No. Passed 208-194.

(196) H.R. 5712. Commerce, Justice, State and Judiciary Appropriations. The bill provides $10.7 billion for the Commerce, Justice and State Departments, 17 related agencies, and the federal judiciary. Yes. Passed 303-98.

(199) H.R. 5167. Amendment to the Defense Department Authorization authorizing the production of 15 MX missiles but prohibiting the obligation of funds appropriated for that purpose unless Congress gives its approval by passing a joint resolution after April 1, 1985. Yes. Passed 198-197.

(204) H.R. 5167. Final passage of Defense Department Authorization providing $207 billion for Defense Department procurement, research and development, and operations and maintenance in fiscal 1985. Contains provisions expanding education benefits to those who served in the military, restricting obligation of funds for the MX missile, cutting out nerve gas funding, and prohibiting testing of anti-satellite weapons against an object in space. Yes. Passed 298-98.

(212) H.R. 5753. Amendment to the Legislative Branch Appropriations, making a 2 percent across-the-board cut in the bill's funding level. No. Passed. 201-175.

(218) H.R. 5145. Motion to suspend the rules and pass the Human Services Amendments, reauthorizing Head Start, Community Services Block Grants and other social services programs through fiscal 1989. No. Failed 261-156 (two-thirds majority required).

(220) H.R. 5504. Surface Transportation Act authorizing the release of $5.2 billion from the Highway Trust Fund for interstate highway construction. Yes. Passed 297-73.

(222) H.R. 4772. Vietnam Veterans of America Charter, granting a federal charter to the Vietnam Veterans of America. Yes. Passed 295-96.

(223) H.R. 5600. Preventive Health Services/Family Planning Block Grant Authorization, providing $906.5 million for fiscal 1985-87 for preventive health services block grants, family planning and adolescent family life programs. Yes. Passed 290-102.

(224) H.R. 5603. Alcohol, Drug Abuse and Mental Health Services Authorization, authorizing $2.3 billion for fiscal 1985-87 for grants for alcohol, drug abuse and mental health programs and for fiscal 1985-88 for developmental disabilities aid. Yes. Passed 306-33.

(232) H.R. 1510. Amendment to the Immigration Reform and Control Act deleting the bill's employer sanctions provisions and substituting new funding and requirements for enforcement of existing labor laws on wages, hours and working conditions. No. Failed 120-304.

(247) H.R. 1510. Amendment to the Immigration Reform and Control Act, authorizing the Attorney General to grant temporary resident status to aliens who could show they had arrived in the U.S. prior to Jan. 1, 1982. Such aliens could seek permanent resident status after two years, providing they could demonstrate an understanding of English and U.S. history and government, or were enrolled in a course of study to learn these subjects. Yes. Passed 247-170.

(251) H.R. 1510. Immigration Reform and Control Act, imposing sanctions on employers who knowingly hire illegal aliens, providing legal status for many illegal aliens already in the U.S., and creating a new guest worker program and overhauling procedures for handling asylum, deportation and exclusion cases. Yes. Passed 216-211.

(254) H.R. 5580. Organ Transplant Act, authorizing $78 million over four years for grants to local organ procurement agencies, funding for certain drugs used by transplant patients and a nationalized computer system for linking organ donors and patients. Yes. Passed 396-6.

(255) H.R. 5798. Amendment to the Treasury, Postal Service and General Government Appropriations reducing spending for the Office of Administration in the Executive Office of the President by $1.5 million. Yes. Passed 326-74.

(266) H. Con. Res. 321. Early Projections of Election Results, asking the news media, particularly broadcasters, to refrain voluntarily from projecting election results until all polls are closed. Yes. Passed 352-65.

(279) H.R. 5798. Amendment to the Treasury, Postal Service and General Government Appropriations reducing by $147,000 the $1.17 million appropriation in the bill for pension, salary and staff of former presidents. Yes. Passed 347-59.

(283) H.R. 5898. Amendment to Military Construction Appropriations reducing spending in the bill by $25 million to reflect savings achieved by greater reliance on performance standards in contracting for Pentagon construction projects. Yes. Passed 219-180.

(284) H.R. 5898. Military Construction Appropriations for fiscal year 1985, appropriating $8.28 billion for military construction and military family housing in the U.S. and overseas. This bill's funding supports the active forces, National Guard and Reserve Components, Defense Agencies, and NATO. Yes. Passed 347-52.

(294) H.R. 5680. Federal Pay Equity Act, requiring the Office of Personnel Management to study the classification and pay systems of the Federal Government to determine whether sex-based discrimination exists. Yes. Passed 413-6.

(299) H.R. 5927. Debt Limit Increase, increasing the existing public debt limit of $1.52 trillion by $53 billion to $1.573 trillion, an amount estimated to provide sufficient government borrowing through August 1984. Yes. Passed 208-202.

(305) H.R. 3678. Water Resources Development Act, authorizing water projects, including port development, flood control, hydro-electric dams, water supply, urban water system repairs, to more than 300 Army Corps of Engineers projects. The bill also includes funds to help mitigate environmental impacts of water projects, and for a

new National Board on Water Resources Policy. Yes. Passed 259-33.●

U.N. VOTING PRACTICES

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. YATRON. Mr. Speaker, earlier this year, the Department of State transmitted to us the "Report on Voting Practices of U.N. Member States," called for in Public Law 98-151 and Public Law 98-164. This report prepared by the U.S. Ambassador to the United Nations was intended to assess the extent to which U.N. members supported or opposed U.S. foreign policy in the General Assembly.

Just recently my distinguished colleague and chairman of the Committee on Foreign Affairs, Hon. DANTE B. FASCELL, forwarded to me a copy of an aide memoire sent to him by the Austrian Chargé d'Affaires in Washington concerning Austria's view of the Department of State's voting practice report. Because I believe the aide memoire would be of interest to Members, I insert it in the RECORD at this point.

AIDE MEMOIRE

The Report of the State Department to Congress on Voting Practices in the United Nations at the 38th General Assembly relates the voting conduct of other States to the relevant concepts of the USA. Attempts to examine the Austrian voting conduct on the basis of such comparisons must lead to erroneous results. In spite of the fact that the socio-political structure of both countries is based on the system of parliamentary democracy, Austria being a small and permanently neutral country situated in the centre of Europe must in a number of cases arrive at different conclusions and therefore at voting decisions different from those of the USA.

Moreover, the method used in the report does not lend itself to a refined evaluation: decisions achieved by consensus were not taken into account; abstentions accompanied by detailed explanations of vote were neglected and put on the same level with a totally adverse voting conduct. Furthermore the weight of the individual resolutions was not properly evaluated and therefore no differentiation was made between votings on highly political questions and, for instance, decisions containing budgetary implications only.

The Austrian conduct of voting in the United Nations General Assembly is determined by the principles of Austria's foreign policy and Austria's interests with regard to the issues before the General Assembly.

The 38th General Assembly adopted all together 357 resolutions on a wide scope of subjects ranging from various international conflicts, questions related to disarmament, economic development and human rights to budgetary and administrative matters. The voting conduct of the Austrian delegation reflects Austria's point of view on these substantive issues. It does not reflect Austria's attitude towards individual Member States of the United Nations.

WASHINGTON, D.C., June 13, 1984.●

INCREASED REPRESSION IN THE SOVIET UNION

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BONKER. Mr. Speaker, the Congress went on record once again on June 29 in support of the Sakharovs, whose continued repression by Soviet authorities is a symbol of the increasingly severe repression that has characterized life in the Soviet Union in the past 10 years.

According to Jeri Laber, executive director of the U.S. Helsinki Watch Committee, more than 50 Helsinki monitors are in prison or internal exile in the Soviet Union, and, in 1982, the remaining members of the human rights monitoring group were forced to disband because of political pressure. Since 1979, there has been an increase in the number of reported incidents of severe, systematic beatings of political prisoners, and prison conditions are deplorable. Since 1980, the Soviet authorities have begun to resentence prisoners as they approach the end of their sentences.

Andre Sakharov and his wife, Yelena Bonner, are being persecuted because of their commitment to the 1975 Helsinki Final Act and their service in monitoring human rights conditions and helping victims of human rights violations. As Jeri Laber states in a recent column:

We must not cease our efforts to help Dr. Sakharov in his present crisis. We owe this—and much more—to him and to the thousands of others who suffer under the heartless political system of the U.S.S.R.

Mr. Speaker, I wish to submit for the RECORD Ms. Laber's article, which appeared in the June 19, 1984, Chicago Tribune, and commend it to my colleagues' attention:

SOVIETS STEP UP REPRESSION

(By Jeri Laber)

"Why are the Soviets persecuting the Sakharovs?" I am often asked. This question implies that there has been a change for the worse in Soviet policies. In truth, however, the recent Sakharov saga is merely an illustration, better publicized than others, of the increasingly severe repression that has characterized Soviet life since the Brezhnev era.

This repression has affected all of Soviet society and especially the "human rights activists" because they have selflessly defended the right of others to speak, write and act openly in accordance with the dictates of their consciences.

Since 1967, under Yuri Andropov's KGB, 3,700 human rights activists are known to have been arrested and imprisoned in the USSR, not including many thousands more whose names are not known to us. Among those arrested are well-known individuals like Yuri Orlov, the physicist who founded the first Helsinki monitoring group in Moscow in 1976 and was arrested nine months later; he was sentenced to seven years in strict-regime camps and five years in internal exile.

Even better known is Anatoly Shcharansky, a mathematician and Jewish activist who was arrested one month after Orlov, charged with treason and sentenced to three years in prison and 10 years in strict regime camps.

Not only have Soviet authorities weathered the storms of protest that surrounded such well-publicized cases but they have continued to arrest people, seizing scores whose names are virtually unknown beyond Soviet borders. One by one, individuals who dared to challenge official ideology in any way have been picked up and sent away—to prison, to exile or abroad.

More than 50 Helsinki monitors are in prison or internal exile in the Soviet Union, and this figure does not include the many who have been forced to emigrate to the West. When I was in Moscow in September, 1979, I met with some of the remaining members of the Moscow Helsinki Group. The vigorous men who had formed its nucleus—Orlov, Shcharansky, Slepak, Ginzburg, Grigorenko—were already gone, and the people I saw were mainly elderly women, then considered beyond the reach of the authorities.

Yet within a few years, they too were victims of repression: 66-year-old Malva Landa, a bouncy wide-eyed, spunky woman, was sentenced to five years of harsh internal exile; 79-year-old Oksana Meshko, a strong, handsome Ukrainian woman, a former political prisoner and mother of a political prisoner, has survived six months in a strict-regime camp and is now serving a five-year term of exile. In September, 1982, the three remaining members of the Moscow Helsinki Group—one of them Andrei Sakharov's wife, Yelena Bonner—were forced to disband the group because of police pressure.

Since 1979, moreover, there has been an increase in the number of reported incidents of severe, systematic beatings of political prisoners. Prisoners are beaten during pretrial detention and in the labor camps, usually by criminal inmates at the instigation of camp authorities. In prison and forced-labor camps they are kept on starvation diets, forced to do exhausting work, denied adequate medical care and frequently incarcerated in unheated, solitary cells. These harsh conditions—a form of slow torture—apparently result in many deaths within the camps.

Exile is hardly better. Former political prisoners are forced to live in extreme cold, often 40 degrees below zero, in drafty, poorly heated huts without enough clothing and food.

Since 1980, a devastating practice has begun of resentencing prisoners as they approach the end of their terms. Helsinki Watch has documented 31 cases of political prisoners who have been resentenced, either for "anti-Soviet slander" or on trumped-up charges of narcotics possession or other criminal offenses. In addition to these 31 cases, we know of at least 25 other instances in which political prisoners were released and then resentenced after a very short time.

Arrests, severe sentences and harsh treatment in prison and exile are intended to stifle any remnants of dissent in Soviet society. In addition, new laws have been passed to discourage contact between Soviet citizens and foreigners. These laws make it a crime to divulge workplace secrets to foreigners, and extend prison sentences for

those who engage in "anti-Soviet agitation and propaganda" with any kind of aid from abroad.

When the Soviet Union signed the Helsinki accords in 1975, it promised to respect its citizens' rights. Instead, it has systematically abused people for exercising their civil, political or religious rights. The harshest treatment of all has been reserved for people like Sakharov, whose only "crime" was to defend the rights of others. We must not cease our efforts to help Dr. Sakharov in his present crisis. We owe this—and much more—to him and to the thousands of others who suffer under the heartless political system of the USSR.●

TRIBUTE TO CHARLES WILSON OF CALIFORNIA

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BIAGGI. Mr. Speaker, I wish to take this occasion to pay tribute to a former colleague who passed away last week—the distinguished gentleman from California, Charles Wilson. Charles Wilson for 18 years served the people of the 31st Congressional District in California—a significant period of time and certainly indicative of someone who did respond to the needs, concerns, and interests of those who elected him.

Charles Wilson served with special effectiveness as a member of the House Armed Services Committee and played an important role in the shaping of our defense policy over the almost two decades that he served in this body. He was an ardent supporter of a strong, national defense but was always wise enough to know that where waste did exist it should be eliminated. His service on this committee proved helpful to his district as he worked especially hard to secure defense contracts into his district and his State. Charles Wilson was an unabashed patriot who loved his country deeply. He once served as an adviser to the SALT I talks in Geneva.

Charlie Wilson also served on the Post Office and Civil Service Committee and played a key role in producing a number of significant pieces of legislation during his years on the committee which improved both the postal and civil service systems.

It would be less than candid for me not to admit to a high degree a disappointment in the lack of acknowledgement of a fellow colleague's passing. I also feel that it is unfortunate, if not bordering on hypocritical, that the accounts of Charlie Wilson's passing portrayed such a small dimension of a man who occupied his congressional seat for 18 full years. The picture that was painted certainly failed to capture the true essence of Charlie Wilson as an effective legislator and as a dear and valued friend.

To his family, his wife, Bock, his sons Stephen, Donald, Kenneth, and Bill and his daughter, Diana, I extend my deepest condolences, and I assure them that this was one Member of the House who truly appreciated Charles Wilson.●

FISCAL FOOLISHNESS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, efforts to improve relations between the United States and the Soviet Union have been in progress for decades. Every area of interest common to both nations has been explored, yet obstacles remain to a permanent resolution of the differences that divide the nations. Ideologically, the Soviet Union is and always has been opposed to everything the United States represents. Our Nation is based on concepts of liberty and free enterprise while the Soviet Union remains staunchly Communist. It has been our Government's overriding concern to challenge the erosion of these concepts as it goes about the task of improving relations with the Soviet Union. Undoubtedly, a tension often develops between serving the interests of a capitalistic enterprise without sacrificing the standards of a democratic society. Regardless of the possible advantages involved in increasing economic ties with the Soviet Union, the United States refuses to ignore the fact that the money it invests in the Soviet Union today is used to finance Soviet projects tomorrow.

A recent move by a group of Western European banks reveals just that type of hypocritical double standard the United States attempts to avoid in its relations with the Soviet Union. A $250 million loan was granted by a group of Western European banks to the Soviet Union, the nation already ranking first in the world in loans subsidized by Western governments. What the Eurobanks chose to recognize in the loan was its fail-safe guarantee and its lucrative returns. What they chose to ignore was that in granting the loan, they insured themselves the privilege of financing further Soviet expansion inside and outside of that nation's borders. The loans were granted at the expense of the Western democracies without the explicit consent of those taxpayers living in the democracies.

For years, the Soviet leaders have predicted that Western capitalists would be willing to sell the very rope by which they hang themselves. The United States has begun to loosen the financial ties that bind them to the Soviet Union. It is time for all Western European banks to do the same before those same ties serve to hang the democracies they now support. Because I believe that it is extremely important to remember these facts in future dealings with the Soviet Union, I would like to include the following editorial in the RECORD today. It appeared in the Wall Street Journal on May 14.

I urge my colleagues to read the editorial and reflect upon the implications this loan reveals to the world about Western Eurobank's priorities:

[From the Wall Street Journal, May 14, 1984]

SUBSIDIZING THE SOVIETS

A group of West European banks last week brushed aside all memories of sick Polish loans and cheerfully had another go at the roulette wheel with a new $250 million loan to the Soviet Union. The Eurobanks would have happily forked over $300 million had not the Russians said, "Oh no, please, that's too much." We're happy to report that American banks chose not to play, proving that they have learned a few things.

The latest European plunge eastward coincided with some other news. In a joint report, the Organization for Economic Cooperation and Development [OECD] in Paris and the Bank for International Settlements [BIS] in Basel revealed that the Soviets already owed the West more than $28.7 billion, as of last June. That is twice as much as previous estimates, which did not combine private and government loans. And it almost certainly understates the total current Soviet hard-currency debt, which by all accounts is up from last June. Banking circles also believe that Moscow Narodny Bank's West European branches have a large net borrower position in the short-term "interbank" market.

But even without further growth, the $28.7 billion made the Soviet Union the third-largest hard-currency debtor in the world, behind Brazil and Mexico. More startlingly (see table), it ranked first in the world in loans subsidized by Western governments, a total of $17.67 billion.

The figures in the table are not all inclusive. IMF loans are excluded. And East German debt figures are incomplete because the West Germans describe some of it as "intra-German" lending, conveniently ignoring the well-known no man's land that separates the two Germanies. In short, the total West-to-East subsidy is underestimated.

The Soviet subsidy loan level, never before acknowledged by the lending countries, raises an interesting question for Europe's political and business leaders: When did taxpayers in the lending countries ever decide to subsidize communism?

	Total debt owed to the West [1]	Part of the total subsidized by Western taxpayers [1]	Proportion of the total subsidized by Western taxpayers
Brazil	$66,998	$12,494	19%
Mexico	65,090	6,667	10%
USSR	28,772	17,671	61%
Argentina	26,367	3,953	15%
Spain	25,295	3,198	13%
Venezuela	24,221	1,805	7%
S. Korea	24,000	7,039	29%

	Total debt owed to the West [1]	Part of the total subsidized by Western taxpayers [1]	Proportion of the total subsidized by Western taxpayers
S. Africa	16,828	4,286	26%
Poland	15,897	6,080	38%
E. Germany	(2)	(2)	(2)

[1] In millions.
[2] Questionable.

Of the $17.67 billion, $5.8 billion is bank loans guaranteed or insured by governments and $11.8 billion is direct credits backed by governments to Western exporters of goods "sold" to the Soviets. Those quotation marks symbolize the hocus-pocus of East-West trade. When loans to Brazil, Argentina and the like go sour, private bankers are at least forced to lose a little sleep until the IMF or central banks bail them out. But in lending to the communists, their bailout is up front in the form of guarantees. No wonder they can be so cheerful.

Two reasons can be offered for the Western generosity to the Soviets. As someone once noted, the Russians are like the Pentagon. They don't trade, they procure, and in huge amounts. Western businessmen and politicians simply can't resist those big deals. Since taxpayers aren't readily aware that they are providing the subsidies, who worries? The second reason is that Western politicians mistakenly believe that credit generosity is a way of appeasing Soviet warlords.

President Reagan, pressing his disfavor over the Siberian pipeline deal, has tried to lift OECD standards for loans to the Soviets. But European banks, businesses and politicians still are answering the siren call. They choose not to trouble themselves with the important fact that the Soviet Union, as an economic cripple, has little to trade in return, except the privilege of becoming dependent on Soviet energy. That fact has economic importance. One-sided trading is a sure route for the Soviets to the debt-restructuring line, and when they request the favor, the Europeans are not likely to refuse. At that point, the transfer of resources from West Europe to the Soviet people will grow even larger.

American bankers last week decided that it was time to draw a line. We wonder how much more the Europeans will want to contribute to the Soviet empire before they reach the same conclusion.●

JACK STEED: A DOER

HON. SAM B. HALL, JR.

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. SAM B. HALL, JR. Mr. Speaker, strong, positive community involvement is the mark of an outstanding person, and my friend, Jack Steed, fits the bill perfectly. Jack Steed is a remarkable man, and his success as an elected official and businessman is known throughout my part of the country. Just recently a story appeared in the Athens Daily Review, Athens, TX, which describes Jack Steed's wonderful contribution to his fellow human beings, and I commend it to the attention of my colleagues and the Nation as follows:

[From Athens Daily Review]

FRIENDS REMEMBER WHEN STEED STARTED JAMBOREE

(By John H. Cox)

This week's 14th Black-Eyed Pea Jamboree brings to mind one of Athens' long term flag wavers, a person who had much to do with the annual affair's beginning.

"Jack has lost his marbles," local businessman and civic leader C.T. Bush Sr. told his wife about Jack Steed one day in early 1971. "He's got this notion of having a black-eyed pea festival here and heck, we don't even raise them here anymore.

Reflecting back on the BEP progress over the years, Bush now says, "I don't think we would have had the festival had it not been for Jack."

Throughout his life Steed has been the type of individual who sees a cause or idea and plunges into it, like for instance the city water and sewer problems.

"We're going to be knee-deep in sewage," he often uttered while serving as city councilman and mayor pro tem.

Time and time again Steed spoke out for increased city utility rates or for the passage of bond issues to fund needed water and sewer improvements.

Recent passage of water treatment plant improvement bonds and expectations for approving increased rates to fund Athens water and sewer upgrading validate his perserverance.

Professionally in Athens he was a merchant and salesman but the Canton native's salesmanship goes back a long time before he became a furniture or advertising marketer.

"If I had a nickel, I'd ask you to marry me," he told his college sweetheart Avanell in 1934.

"I guess I was a pretty good salesman because she gave me a dime right then," he recently said in remembering back when they attended what was then North Texas Agriculture College, now the University of Texas at Arlington.

Shortly after Mrs. Steed died, illness forced Steed to relinquish his council post in Dec. 1982. He moved back to Arlington last year for medical treatment and is now living there with this daughter Beverly Carpenter.

"Even though Dad was gone from home a lot, life with father was pretty great," she says in reflecting about growing up in the Steed household. "Dad could sell ice to an Eskimo and make him think he was getting the best deal in the world."

A little known aspect of Steed's life surfaced while talking to him last week—from 1942-45 he served as a special agent with the FBI.

"I guess some would call it exciting," Steed said. "I was stationed all over the nation—Denver, Kentucky, Washington D.C. I didn't have to do poor old work all the time."

He reflected on some of the rules laid down by then FBI Director, J. Edgar Hoover.

"We had to wear suits, no sport coats," he said. "Every two hours we had to report where we were."

Steed, who had been stationed at Kilgore Junior College and was coordinator of state vocational education programs for North East Texas, learned of the FBI opportunity from his sister-in-law.

"She was a clerk in the Dallas FBI office and told me the Bureau needed manpower," he said. "I applied and was selected."

After World War II ended, Steed became an insurance agent in Marshall and in 1959 moved to Tyler to sell furniture.

In 1965, the people he worked for had such confidence in his ability they gave him the opportunity to become a partner in their Athens store.

From that point on, he became known throughout the city as civic minded. The BEP may have been the frosting on the cake.

"The idea started when Jack, Neil Hunter, John Diebel and Shannon Francis were together one night," explains Charles Bush Jr. "During the conversation someone mentioned that whenever he was in Dallas and said he lived in Athens he'd get a 'Oh, the black-eyed pea capital' remark."

"Well, Jack almost immediately jumped on the idea and said he thought we could build a city promotion around it."

Steed was Chamber of Commerce president during the BEP's first year. Later that year, current Chamber Executive Vice President and General Manager Wayne Mackley came on board to administer the organization.

"I came in November after the first Jamboree had run," Mackley says. "So I can't really say exactly what Jack did during then, but from everything I've heard he was certainly very influential in getting the Chamber to run with it.

"And since I've been here, he's always been one of the leaders in getting things done."

Based on his Chamber and church (First United Methodist) work, a group of citizens approached Steed to run for city council in 1976.

"I never really thought about running," Steed said. "But there were about 20 citizens who finally argued me into it."

Steed was opposed by former mayor Claude Myers and Tony Alotto. Although he ended on top, Steed failed to get 50 percent of the vote and was forced into a runoff election with Myers. He won that by a 32 vote margin and took his seat at the council table.

"If I had to put my finger on one thing that stands out in my mind about Jack, it is his capacity for fairness," another former mayor, Tommy Smith, recently said. "For example, although he was old enough to be eligible for old age tax exemption, he thought it was unfair and voted against it. That showed his true character.

"Also, Jack was never too busy to help you. He was very thorough and knowledgeable of how to investigate. That's why we always sent him to check out potential city employees."

Both former City Administrator and present City Councilman Cody Thompson and current City Administrator Carl Tomerlin were investigated by Steed.

"He came to Burleson, didn't tell anyone who he was or way he was asking questions, and did a thorough investigation on me," Thompson recently remembered. "He literally worked all the time for the city. His coffee talk was worth a lot."

Like Smith, Thompson expressed thoughts about Steed's unselfishness.

"He didn't feel the youth owed him something just because he was 65," Thompson says. "Instead, he figured he owed the youth something, He always stayed aggressive. Wasn't for growth for growth's sake

but for the youth. He wanted the kids of Athens to stay here and make it here.

"He made an impression on me to stay."

Tomerlin also remembers.

"When he did an investigation, he did one," he says. "But after I was hired, he often sat down and advised me in several ways."

Steed's assessment of Tomerlin is very positive.

"Carl has saved this city a gob of money," he says. "For example, his insurance changes saved Athens $2,000 per year."

Looking into the future, Steed has some suggestions for Athens.

"We better start looking for a new landfill now," he says. "Athens is going to have a normal rate of growth and preparing for that is upmost. We had real problems in getting the present landfill on line; I don't want someone else having the same troubles.

"The city is now getting into a position to get all its water and sewage problems put aside for awhile. That's going to be a relief."●

THE UNIVERSITY OF MARYLAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. HOYER. Mr. Speaker, recently an editorial in the Washington Post lauded the University of Maryland for the outstanding strides in education that have been made at this institution, and, in particular, cites the work of two regents, Joseph D. Tydings and Blair Lee III, in promoting the importance of public support in creating quality education.

I would like to include this editorial for the RECORD, and would also like to add that in addition to these two men, another name should be added: That of Peter F. O'Malley, who was chairman of the board for many years and had a profound influence on the positive direction this fine Maryland institution has taken.

I am pleased that the Post has made this recognition, not only because I am a graduate of this excellent school and sit as a member of its alumni board, but also because I represent the district in which this school is located and I have seen, firsthand, how effective and important the University of Maryland has been in my community.

From Pulitizer Prize winners to recognition as one of the top schools, nationally, in a variety of technical fields, the University of Maryland has shown its excellence. Today's Post article, while long overdue, is further evidence that public education not only works today, it thrives.

SELF-PORTRAIT OF A UNIVERSITY

When the president of the University of Maryland, John Toll, sent his annual report to the regents the other day, it was a routine affair in one sense. But it was also a self-portrait of a gigantic institution that has come to have a profound influence in this region. The steady rise in the quality of the university, and its widening interests, have benefited far more than its formally enrolled students. Mr. Toll began by citing some of the past year's more visible achievements.

There was the Pulitzer Prize that the historian Louis Harlan won for his biography of Booker T. Washington, and the Guggenheim Fellowship awarded to John Fuegi, a professor of Germanic and Slavic literature who is writing a biography of Bertolt Brecht. Mr. Toll observed that Judith Resnick, who earned her doctorate at Maryland, is scheduled to become the university's first graduate to orbit the Earth when the postponed space shuttle flight finally takes off.

IBM gave the university $5 million last year for computing equipment and software. The university has always been strong in computer science. It's now giving new emphasis to biotechnology. Among other recent projects in the field, last winter at Shady Grove it announced the formation of a center for advanced research to be run jointly with the National Bureau of Standards, the Montgomery County government and local companies.

The university's Eastern Shore campus has been working on the cultivation of oysters in the Chesapeake Bay, Mr. Toll said. The Baltimore County campus began publication of "The Journal of Historical Linguistics and Philology." The medical school is developing an advanced program in human genetics. One law professor published a book on corporate and securities law; another, a book on the rights of retarded people.

Mr. Toll emitted the university president's ritual groan over inadequate funding and low salaries for faculty. But if there are shortfalls, the striking thing is the progress that the university has made over the years. A lot of it began with the patient, intelligent work of the university's friends in persuading Marylanders that the university deserves their generous support and will repay it. Mr. Toll acknowledged in particular the exertions of two of the university's regents, Joseph D. Tydings and Blair Lee III. Both earlier had held more conspicuous public office—Mr. Tydings in the Senate and Mr. Lee as the state's lieutenant governor and, for a time, acting governor. Both men have contributed a great deal to the improvement of life in their state, but nothing that is likely to have a more permanent or more beneficial influence than their work for the university.●

NATO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. HAMILTON. Mr. Speaker, I would like to insert my foreign affairs newsletter for July 1984 into the CONGRESSIONAL RECORD:

NATO

A critical issue is the present condition and future of the North Atlantic Treaty Organization (NATO), an alliance formed in 1949 to protect North America and Western Europe from Soviet attack. NATO has kept the peace for thirty-five years, but prominent people like Henry Kissinger have said that the alliance is in trouble and may not last to the end of the century without a renewed commitment by its membership. A recent Senate amendment to withdraw thousands of American troops from Europe unless the allies increased their defense spending failed by only fourteen votes, and there can be no doubt that U.S. frustration with NATO is growing. These warning signs of eroding support make the debate on NATO more urgent, since there always has been a consensus in Congress and the public that the U.S. should play a vital role in the alliance.

The central issue that NATO must address is the lack of agreement on a common strategy for dealing with the Soviet Union. At very least, this strategy would require a coordinated response by NATO members to major Soviet challenges around the world. Such a strategy was possible during the first twenty years of the alliance's life, but detente in the last decade brought benefits to Europe that were not shared by America. Thus, most Europeans today believe that a working relationship can be maintained with the Soviet Union, while most Americans still see the Soviet Union as an aggressive power whose designs on Europe and other regions must be resisted. This difference in perception is dividing the alliance, and ultimately may threaten its viability.

A second issue for NATO is how to ease economic tensions that are sapping the alliance's strength. The U.S. is enjoying an economic recovery that is faster than Europe's. European leaders argue that the U.S. recovery is taking place at Europe's expense, and that high U.S. interest rates soak up money that could be invested in Europe's recovery. The U.S. and Europe are also engaged in several trade disputes that have serious implications for important economic sectors on both sides of the Atlantic. The strength of NATO depends on the combined economic strength of its members, and both the U.S. and Europe will have to make future economic decisions in view of their impact on the alliance.

How NATO should react to the challenge of events beyond the North Atlantic region is a third issue. The U.S. position is that NATO should fashion a coordinated response to such events. Washington believes that NATO has a duty to act when its security is at stake, and that European members should be ready to replace U.S. forces that might be moved from Europe in an emergency. The Europeans, however, are not keen on replacing U.S. troops, and they are especially reluctant to ready their own troops for combat abroad. They point out that U.S. and European interests may not coincide outside Europe, that some nations cannot legally use armed force outside their borders, and that Europe no longer has the resources necessary to project military force to distant points.

A final issue before NATO is how to improve its conventional military strength. This is a pressing concern because there is doubt whether NATO could counter an invasion by the Warsaw Pact without early, and probably cataclysmic, use of nuclear weapons. The Europeans know that their own homelands would be the first areas devastated in a nuclear exchange, so they and the U.S. have agreed on the need to upgrade conventional forces. There is disagreement, however, on the allocation of expense. The U.S. wants its allies to increase their defense budgets 3 percent annually, just as they said that they would do in 1978. The allies say that they will do their best to increase defense spending, but contend that their eco-

nomic troubles may keep them from reaching the original goal.

How the burden of a stronger conventional defense should be shared is in fact one of NATO's knottiest problems. The U.S. spends more of its gross domestic product (6.5 percent in 1982) on defense than do its NATO allies (3.7 percent in 1982), and in 1983 the U.S. increased its defense spending by 7.6 percent while the allies raised theirs by only 2 percent. For their part, the allies point out that during the 1970s they increased their defense spending by 2 percent annually while U.S. military outlays fell by 1 percent per year. They note as well that they get more value for each dollar because their conscripted forces cost less than America's volunteer force. Burden-sharing also involves NATO's commitment to a more equitable balance in arms sales between the U.S. and the allies. At present, the U.S. enjoys a seven-to-one advantage in such sales within NATO. The allies recognize NATO's need for advanced weaponry, but they are afraid that a U.S. push for more of it will give American arms manufacturers an even larger share of NATO's markets. The cost of new weapons is high, and many Europeans doubt that they can afford them.

NATO's conventional strategy is also unsettled. Greater conventional strength based on advanced weaponry would decrease NATO's reliance on nuclear weapons, but also would enable NATO to strike deep into Warsaw Pact territory. The possibility that new weaponry might cause NATO to shift to an offensive strategy is extremely troubling to many in Europe, particularly in Germany.

These are the major issues that will dominate NATO's deliberations during the coming year. One of the important ways that the U.S. can contribute to resolving them is through arms control. Goodfaith efforts and meaningful negotiations with the Soviet Union can help close the rift between American and European perceptions, and can give our friends in Europe the political support that they need to make the case for increased defense spending and stronger conventional forces.

Other issues will surface, but if the alliance can handle these it will continue to provide an effective military shield behind which the nations of the West can prosper. The allies still appreciate the importance of NATO. So do many Americans. All parties, however, must be willing to accept the responsibilities and sacrifices necessary to keep the alliance healthy.●

SOCIAL SECURITY DEPENDABLE

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. VENTO. Mr. Speaker, recently an article by Senator DANIEL PATRICK MOYNIHAN concerning the current status of our Social Security System and its outlook for the future was published in the St. Paul Sunday Pioneer Press (July 15). Senator MOYNIHAN, who served as a member of the National Commission on Social Security Reform, observes that Congress' passage of the Social Security Act Amendments of 1983 insured the future stability of our Nation's basic social insurance program and notes that the Social Security Program has helped millions of older Americans avoid living in poverty. Senator MOYNIHAN's reasoned observations are especially timely in light of the recent remarks by President Reagan suggesting that young people will never be able to receive as much from this system as they are paying into it and that further—although unspecified—changes may be necessary.

President Reagan's comments are a disservice to the Nation and only serve to exacerbate unfounded fears and anxieties among young workers and older Americans. The President's statements and responses mislead young people when he suggests that there will not be a strong Social Security System in the future to meet the needs of today's young people. For 50 years now, the American people have honored the social contract in which working people provide the financial security for older Americans and income security for those disabled. Irresponsible statements from President Reagan or others are geared to undermine the Social Security Program and generational contract. The real risk to the Social Security Program comes from the catastrophic events in our economy which has been subjected to the roller coaster ride of Reagan's "voodoo economics!" There is no sound reason to suggest that this social contract will not be honored for future generations as well as current retirees. The universal nature of the Social Security System has been and will continue to be the foundation of the System's strength, both for today's and tomorrow's beneficiaries.

[From St. Paul (MN) Sunday Pioneer Press, July 15, 1984]

SOCIAL SECURITY DEPENDABLE; DON'T TAMPER WITH IT NOW

(By Senator Daniel Patrick Moynihan)

"If it ain't broke, don't fix it," is a commonsensical caution for people not content to leave well enough alone. I propose a corollary, one particularly suited to any discussion of the Social Security system; "If it's fixed, don't break it!"

On Jan. 15, 1983, the National Commission on Social Security Reform, on which I served, agreed to a set of recommendations to put Social Security on a firm financial footing.

Our proposals became law three months later, and my optimism about their efficacy—expressed at the time—remains. On April 5 of this year, Donald T. Regan, treasury secretary; Raymond J. Donovan, labor secretary, and Margaret M. Heckler, health and human services secretary—the trustees of the Social Security funds—reported that the benefits provided "under these programs can be paid well into the next century."

During the commission's deliberations, Alan Greenspan, our chairman and former chairman of the president's Council of Economic Advisors, imposed a simple but crucial rule: Members were entitled to their own opinions, but not to their own facts. In deference to our chairman's rule, herewith some facts:

By next year, the revenues from Social Security taxes will match the costs of Social Security benefits. Indeed, we now expect revenue surpluses to begin in 1986 and build, according to Social Security's actuaries, to $13.4 trillion by 2025 and $18.4 trillion in 2045. Unless the economy takes a sudden nosedive and sharply erodes Social Security revenues within the next few years, the retirement and disability funding problems would seem to be behind us.

The universal social insurance system established in 1935 is central to the way we plan our lives.

Social Security is an undeniable success. The system has helped reduce poverty dramatically among the nation's elderly. In 1937, three years before the first check was distributed, two-thirds of all Americans 65 years or older had no means of support except help from friends and relatives or private charities. Today, more than 85 percent of all elderly citizens have incomes above the national proverty line.

If we are to have another debate about changing the Social Security system, let us not lose sight of these facts: The program is secure; it is depended on; it is effective. The burden of proof falls upon those wishing to change things.

President Ronald Reagan recently remarked (once again!): "There is a possibility—well, probability—that many people, young people now paying in, will never be able to receive as much as they're paying." In response, James M. Brown, a spokesman for the Social Security Administration, said that Social Security "is not just a retirement benefit. You are buying a package that also includes protection against disability and death. Nobody else offers a package like that," The president sometimes seems genuinely to misunderstand the system.

Few among us know what our financial condition will be in the future, and it is only wise to eliminate fear of economic calamity by making regular, and relatively small, premium payments throughout our working lives.

At its inception in 1935, Social Security provides benefits only for retirees, but eligibility has since been broadened. In 1939 before the first benefit was paid, retirees' dependents and survivors were accepted as beneficiaries. And under President Dwight Eisenhower in 1956, permanently and totally disabled workers began receiving Social Security checks. Today, some 25 million retired workers, almost 4 million disabled workers, and more than 7 million survivors receive Social Security benefits.

As with other types of insurance, of course, the lucky ones are those who do not need to collect. But it is nice to know it is there.

There is no little antagonism to the compulsory nature of Social Security. However, the system is trustworthy only if it's universal. If given the chance, how many people would have the time, knowledge, and, above all, capital to provide securely for the future? And what of those who would try but fail? Stock go down sometimes, right?

The plain fact is that Social Security means that older persons in America do not depend on their children for support. This is a blessing beyond words. Not to the children, but to the parents who know they never will be a burden to the dearest persons in their lives.

Recently, Treasury Secretary Regan said the practice of paying benefits to those at

the "upper end" of the economic scale should be re-examined. Well, why should well-off Americans receive an income supplement? Because depriving them of the benefits for which they have paid undermines the insurance principle of Social Security.

Would it be right or prudent to tell those whose homes burn down that they cannot collect fire insurance because they have resources sufficient to cover the losses? Of course not. Just so with Social Security.

Once we end the universal nature of the system, we inevitably weaken the universal nature of its political support.

Certainly, there are administrative changes that can improve Social Security Administration operations. Our commission recommended, and Congress approved, appointment by the president of two members of the public to the Social Security Board of Trustees. We can enhance public confidence in the system by increasing public involvement in its oversight. But these appointments have not been made.

It has been suggested that the agency be made an independent body (it is now within the Department of Health and Human Services). I agree with Robert Ball, the agency's former commissioner, who said this step (which would not change the benefit structure) "would add significantly to the public understanding of the trustee character of Social Security as a retirement and group insurance plan."

Social Security has been a fixture in the United States for nearly a half-century. Yet after all this time and success, some are not reconciled to it. This is unfortunate. But it is a minority view, and it doesn't change the facts. Social Security is fixed in more ways than one. Don't break it.

[Senator Moynihan, of New York, is the ranking Democrat on the Senate Finance Committee's Social Security and income maintenance programs subcommittee.—The Los Angeles Times]●

IN MEMORY OF FORMER CONGRESSMAN CHARLIE WILSON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CLAY. Mr. Speaker, a former colleague, Charles Wilson, passed away Saturday, July 21, 1984. I insert my message to his lovely wife, Bok, as a lasting tribute to a true friend:

DEAR BOK: You are not alone. All of Charlie's many friends share his loss with you. Carol and I count ourselves among his closest friends.

At a time like this, words are not adequate to convey the pain and emptiness we feel. Even constrained by our limited power of expression, we are compelled to verbalize the deep hurt we share with you—the loss of our dear and longtime friend, Charlie.

True friends are a rarity, Charlie was our true friend. When he laughed, we laughed. When he cried, we cried. When he rejoiced, we rejoiced. When he hurt, we hurt. When he died, a part of all mankind died.

Ernest Hemingway put it best when he wrote: "For Whom the Bell Tolls." He said, "No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manor of thy friends or of thine own were; any man's death diminishes me, because I am involved in mankind: and therefore never seem to know for whom the bell tolls; it tolls for thee."

A longtime family commitment forced Carol and I to be in Connecticut, and we will be unable to see you for the next few days, however, we will call you when we return so that we can get together.

Sincerely,

BILL AND CAROL CLAY.●

WESTERN WALK OF FAME

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. MOORHEAD. Mr. Speaker, on August 18, 1984, the Newhall Merchant's Association and the Western Walk of Fame organization will honor five men for significant contributions to our Western heritage and the mystique of the cowboy.

The Western Walk of Fame is a young idea that honors old ideals. The walk was begun several years ago as a remembrance of the cowboys of the past. It is a natural outgrowth of the Santa Clarita Valley's long and romantic association with the Old West as portrayed by many a Hollywood legend.

The mutual admiration began when William S. Hart purchased a ranch in the Santa Clarita Valley and began making silent shoot-em-ups. The parade of dusty heroes continued unabated from Hart, to Tom Mix, to Tex Ritter, to Hoot Gibson, to Gene Autry, to Roy Rogers, to name just a few.

The Western Walk of Fame is also a natural outgrowth of the people of the Santa Clarita Valley who live by many of the same attitudes and values venerated by the stalwart of cowboy lore. In this commonality, there is a shared belief in independence, stength, integrity and a love for nature and its creatures. There is a bond of affection for the great outdoors, for plenty of elbow room for the big open sky and the scent of sage.

The Western Walk of Fame is a source of pride to the people of Newhall, Saugus, Valencia, and Canyon country. It is a source of honor for many cowboys past and present. This month, it will gain new stature as it honors Robert Conrad (Jim West), Dennis Weaver (Chester), Clint Walker (Cheyenne), and Clayton Moore (the Lone Ranger). A special posthumous award will be dedicated to John Wayne, who has probably done more for cowboys than boots and saddles.

Mr. Speaker, it is a pleasure for me to bring to the attention of my colleagues in the House of Representatives that the vitality of a new tradition continues in a community enriched by many old traditions.●

WHAT HAPPENED TO REPRESENTATIVE GOVERNMENT?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. PHILIP M. CRANE. Mr. Speaker, democracy is a system of government in which political power is supposedly exercised by the people. In our system of self-government, the people elect representatives who are to act as their agents in making and enforcing laws and decisions. Perhaps it is the very loftiness of these ideals that make the occasional shortcomings of our system especially distressing.

One of the people who I was elected to represent, my constituent Glen R. Larson, recently brought to my attention a glaring example of how our system of representation has been betrayed by many elected officials. Mr. Larson sent me a clipping from the Wall Street Journal that clearly illustrates that on the issue of the Federal deficit, Congress has represented a mere 12 percent of the American people. He asked that I bring this to the attention of my colleagues here in Congress. I hope that each of you will take the time to read the brief piece that follows:

[From the Wall Street Journal, May 21, 1984]

ASIDES: CONGRESSIONAL NONSUPPORT

Both the Senate and House have passed deficit "downpayment" packages amid much anguish in Congress that they couldn't shove more than $50 billion in new taxes onto their constituents. Simultaneously a group called Citizen's Choice Inc. has done something really weird: They commissioned the Gallup Poll to ask people (that is, people who pay taxes but do not serve in Congress) how they think the deficit should be cut. They said: by cutting nondefense government programs—46 percent; by cutting defense spending—22 percent; by raising taxes—12 percent. So how did Congress ever get it into its head that it represents only 12 percent of the people?●

SOVIET REWRITES

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. HOYER. Mr. Speaker, a few months ago I had the honor of bringing to the attention of my colleagues an article from the New York Times about David A. Brody, a good friend of mine and to many in this House. In an ironic twist of events, the Soviet news agency, TASS, used the article and, with information culled from other

sources, produced an interesting version of the Times article.

For instance, the B'nai B'rith is described as "completely under the control of Zionist circles." Brody's office is called "an apartment," and he is referred to as the "Zionist agent."

It is an interesting piece of anti-Israeli propaganda, carefully crafted to produce the overall effect that this country is dangled from the strings held by the Israelis. It is an object lesson in how the Soviets are able to place certain meanings on even the most simple and straightforward stories. It certainly serves as yet another example of Soviet "disinformation."

Dave Brody has been and continues to be a most effective voice on behalf of the rights of all citizens, be they Americans, Israelis, or Soviets. His abilities and achievements speak louder than any "disinformation" the Soviets may attempt.●

INTRODUCTION OF H.R. 6046, TO AUTHORIZE THE ESTABLISHMENT OF THE LEWIS AND CLARK NATIONAL HISTORIC SITE IN THE STATE OF MONTANA

HON. RON MARLENEE

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. MARLENEE. Mr. Speaker, today I am introducing legislation to authorize the establishment of the Lewis and Clark National Historic Site in Great Falls, MT.

Mr. Speaker, it gives me great pleasure and honor to introduce this legislation which will authorize a land donation by the State of Montana to the Secretary of the Interior for the purpose of constructing a visitor center to commemorate the historic portage of the Lewis and Clark expedition around the magnificent Great Falls of the Missouri.

On June 13, 1805, Capt. Meriwether Lewis discovered the roaring falls which assured him that the expedition was still on the correct trail in their expedition to find a Northwest Passage to the Pacific Ocean. Captain Lewis noted in his journal at that time what a marvelous spectacle of nature the Great Falls of the Missouri was. As he stood on the banks of the wild Missouri he observed abundant wildlife in all directions and beautiful mountains on the horizon thrusting up from the flat, treeless plains.

Today, the Great Falls of the Missouri are still a marvelous sight to behold. One can still imagine the excitement and awe which Captain Lewis felt as he observed the mist of the mighty Missouri River as it fell 80 vertical feet to create the main fall and several other small falls. On a clear day in the Big Sky Country a visitor can see the Rocky Mountain Front, or the "Shining Mountains" as the expedition named that point where the Plains meet the Rocky Mountains, the Big Belts, Little Belts, Highwoods, and Bearpaw Mountains.

Mr. Speaker, it is important for the people of this country to have the opportunity to enjoy a visitor center at this critical point on the Lewis and Clark Trail. Under this legislation a visitor center will be built, maintained, and operated by the National Park Service to tell the story of the portage around the Great Falls of the Missouri. The center will tell of the tremendous toil and effort by those 33 men and 1 woman to haul tons of supplies and equipment around five river falls and 18 river miles; it will tell of Captain Lewis' famous encounter with a grizzly bear in what is now the heart of Great Falls, MT; it will tell a story of early American explorers with a mission overcoming incredible odds and adversity; it will tell of a group of people working together for their country with a spirit which has made this country great.

Mr. Speaker, I ask my colleagues to join me in supporting this historic public visitor center which will be constructed halfway between St. Louis, MO, and Portland, OR. Already, the Lewis and Clark National Heritage Foundation has expressed its interest in this legislation. The people of Great Falls, MT, have also worked hard to raise the public awareness of this portage site. In fact, they reenacted the Lewis and Clark portage around the Great Falls in an 8-day ceremony last month which attracted State and national interest.

I request this bill be referred to the House Interior and Insular Affairs Committee as soon as possible so we may hold hearings in the near future.●

SPECIAL REPORT ON WOMEN IN AMERICAN SOCIETY

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CLINGER. Mr. Speaker, recently 23 members of the House Wednesday Group released a Special Report on Women in American Society. The report, prepared by Dr. Joyce Van Dyke and endorsed by a wide spectrum of my House Republican colleagues, proposes precise and carefully grounded recommendations for a future Republican agenda for women in the areas of civil rights, economic equity, family care, and health and retirement.

We have sent the report to members of the Republican Party's platform committee and to the administration, and hope to see our recommendations embodied in the Republican Party's platform. In light of this, I would recommended to my colleagues a recent editorial from the Virginian-Pilot which commends our report's agenda as a productive program both for American women and the Republican Party.

[From Virginian-Pilot, Norfolk, VA, July 2, 1984]

TOUGH TALK ON WOMEN'S RIGHTS

Efforts to amend the Constitution to guarantee equal rights for women seem to be going nowhere. But "women's issues" refuse to go away. A special report, "Women in American Society," just published by the Wednesday Group of moderate Republicans (such as 2nd District Congressman G. William Whitehurst) in the House of Representatives, suggests that the movement to end economic discrimination against women almost surely will gain strength—and possibly chalk up substantial successes—in the 1980s.

Whatever its merits, the down-and-perhaps-out Equal Rights Amendment necessarily does not define the institutional and legal obstacles women encounter in the quest for equal opportunity. The broad language of the ERA ("Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex") stirred fears—skillfully exploited by anti-ERA forces—of unisex rest rooms and female soldiers on front lines in wartime; the amendment failed to win ratification by 36 states to make it a part of the Constitution.

"Women in American Society" is notable for its precise identification of barriers to women's progress, as well as the specificity of its recommendations for overcoming them.

Prepared by Joyce Van Dyke, Wednesday Group project director on women's issues, the 31-page report asserts:

Women as a group are accorded less protection against discrimination within federally assisted programs than are minorities, the aged and the handicapped; enforcement of women's rights is frequently capricious.

Women are "systematically under-paid in all industries and occupations and at all educational levels."

The nation lacks a policy regarding dependent care, despite trends that point to a potential crisis in this area.

Older women are more likely to live in poverty than older men. In 1981, median income for men age 65 and older was $8,173; for women, $4,757.

The report then proposes an array of federal reforms: the broadening and enforcing of civil-rights protections against gender-based discrimination; a multiple assault on economic inequities; incentives for development of child-care programs and work schedules helpful to working parents; banishment of gender-based discrimination in federally assisted and federally operated health-care services and programs; Social Security reforms to provide equitable benefits for women and two-earner families.

"The cost of disregarding the economic problems of women is high," says the report. "First and foremost, it is a cost borne by women themselves. But there are other costs: that of disregarding the majority of new American workers and their dependents; and the steady drain on the feder-

al budget by the many social programs which provide essential assistance to women, but do little to address the issue of why women are poor in the first place."

This kind of talk about the economic position of American women will be increasingly difficult for the Reagan forces to dismiss in the current presidential campaign because it now comes from the political center.

Moderate Republicans fear that the Reagan administration has not demonstrated sufficient concern for the needs of women in the labor force, as well as elderly women, and that this could injury Republicans in November. The partisan purpose of the Wednesday Group report is to "reinvigorate the long-standing link between women's issue and the Republican Party" by "focusing on a variety of issues which directly benefit women, as well as American society at large."

The Republican Party could do worse than embrace the Wednesday Group program, regardless of a Reaganite aversion to extending civil-rights regulation. Walter Mondale—who could, but probably won't, choose a woman as his running mate on the Democratic ticket—will make the most of female disenchantment with the President. The Wednesday Group proposals could contain the damage.●

IN MEMORY OF FORMER CONGRESSMAN CHARLIE WILSON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CLAY. Mr. Speaker, I would like to bring to the attention of my colleagues an article that appeared in the newspaper of Capitol Hill, Roll Call, on July 26, 1984, regarding former Congressman Charlie Wilson. It is with deep personal sadness for this valued and esteemed friend that I share the following:

GOOD MAN, CHARLIE

The obituaries say that former Congressman Charlie Wilson died of a heart attack. I say he died of deprivation.

For Charlie was a man who reveled in the role of Congressman; friends and camaraderie sparked his life systems. He had lost both.

Some called him Goodtime Charlie. And in a non-derogatory way, it was fitting. Charlie loved life, especially as it centered around Congress and politics. And he loved people. He was a gregarious human, generous and caring and generally goodnatured. He was also opinionated, outspoken, sometimes cantankerous and fiercely partisan. Because of the first mentioned qualities, and perhaps some of the latter, he attracted large groups to his favorite tables at the Democratic Club, where quips and barbs mingled with talk of politics, sports and the events of the day.

Because Charlie was a member of the House Armed Services Committee and also on the Post Office and Civil Service Committee, many were drawn to the table by the lure of opportunism.

Though he enjoyed sports, the company and conversation of friends, his Irish coffees and an occasional wager on the horses, Charlie's prime interest was politics. His mentor was the legendary California Democratic leader Jesse Unruh; his hero the political whiz Rep. Phil Burton. Charlie had come up from the state legislature and found a home in Congress. But over all he was devoted to his wife, Betty and his family.

When Betty was stricken with cancer, Charlie, who suffered from diabetes, began to indulge himself, unmindful of his own health. After her death, Charlie was at loose ends until he met an attractive Korean woman, Hyun Ju Chang, and made her his bride.

When all seemed to be going well, Charlie was cited by the Ethics Committee for alleged improprieties. As a result, he was defeated in the primary. He lost his seat in Congress. The House voted censure. He was broken, despondent.

Now he sat, mostly alone in the club, the opportunists nodding or waving as they passed his table. No attractive job offers came to him. He opened a consulting business, but again those who had curried his favor when in power passed up his services. He retired.

There is more to Charlie Wilson than the fact that he was one of a handful of men subjected to Congressional censure. In the 1960's I was attempting to open a private club for Congressmen, journalists, and other affinity groups. Charlie was one of a dozen Congressmen on my board of directors. When a disgruntled co-founder began a smear campaign in the newspapers many of my "good friends" pulled out with self-serving statements. Charlie Wilson, who I had known only for a short time, stood with me all the way. He had nothing to gain. But, as I said, he was partisan, and loyal, and true to his friends.

How do you measure a man? Well, you really have to know him.●

JUSTICE ASSISTANCE ACT SHOULD BE ENACTED

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BIAGGI. Mr. Speaker, I wish to join my good friend, the distinguished chairman of the Subcommittee on Crime, Mr. HUGHES, in expressing concern about the other body's failure to act favorably on a major anticrime initiative—H.R. 2175, the Justice Assistance Act.

This important measure passed the House with my support in May 1983 by an overwhelming margin of 399 to 16, but has not been acted on by the other body. Specifically, this measure would establish a block grant program providing law enforcement assistance to the States. It authorizes $170 million in each of the fiscal years through 1986 for a newly created Office of Justice Assistance; $25 million in each of those same fiscal years for the National Institute of Justice; $25 million each year through fiscal year 1986 for the Bureau of Justice Statistics; and $20 million annually for States facing emergency crime situations.

This modest amount of funding is more than justified, particularly considering the specific types of programs it would be targeted for. The program areas include community citizen-police anticrime; sting operations—antiburglary, antifencing; combating arson; white collar, organized crime and public corruption; career criminal identification and prosecution; victim, witness and juror assistance; alternatives to jail and prisons for nondangerous persons; treatment for drug dependent offenders; alleviate prison overcrowding; criminal justice personnel training and management assistance; prison industry projects; operational information systems for criminal justice agencies; programs to respond to serious crime by juvenile offeners; and innovative programs.

In order to help encourage maximum cost-efficiency, the legislation also includes a 50-50 Federal/State matching requirement for all purposes except the innovative programs, which has a 75-25 Federal/State matching requirement. In addition, grant recipients would have to assume all costs of these programs after receiving this assistance for 4 years.

Considering that approximately 95 percent of all violent crime falls under the jurisdiction of State and local law enforcement agencies, this anticrime assistance would be well spent. It should be noted, too, that the programs this money would support are those which have proven successful over the years.

These facts, combined with our Nation's intolerable crime situation, makes an overwhelming case for the enactment of the Justice Assistance Act. The House has already acted favorably on H.R. 2175. I would urge our colleagues in the other body to do the same.

One further observation. While providing financial assistance to State and local law enforcement agencies is a vital component of any effective anticrime strategy, there are other important steps that can and should be taken at the Federal level to help our Nation's police community. Certainly one of those steps is the enactment of my bill, H.R. 5835, to outlaw armor-piercing "cop killer" bullets that can penetrate the bulletproof vests worn by more than half of our Nation's law enforcement community. As a 23-year police veteran, myself, I consider this measure to be the most important police protection initiative to be considered in recent years. Clearly, the passage of both H.R. 2175 and H.R. 5835 would demonstrate in resounding fashion our resolve to give the law enforcement community every possible advantage in the fierce battle against crime.●

CYPRUS—10 YEARS OF CONFLICT

HON. ANDY IRELAND

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. IRELAND. Mr. Speaker, it has been 10 years since Turkish armed forces invaded the island nation of Cyprus and seized over one-third of its territory.

The Turkish supported faction occupying 40 percent of Cyprus has repeatedly assured both the United Nations and the United States that good faith negotiations to end the crisis are imminent. Except for a few general agreements on paper, there has been no progress toward settlement of the problem—20,000 Turkish troops remain on the island, 200,000 Greek Cypriots remain refugees, and 2,000 people, including 8 Americans, are still missing.

The situation has worsened considerably with the declaration of an independent state in the north last November, and the Turkish Cypriot refusal to live up to agreement regarding Famagusta.

This continuous bad faith and counterproductive action on the part of Ankara's protege can no longer be ignored by the United States. Our national security interests call for decisive action to persuade Ankara to support meaningful negotiations. There are a number of compelling points that call for a stern and immediate message to be sent to Ankara:

U.S. and NATO security interests will continue to be damaged as long as the Cyprus problem exists. The southeastern flank of NATO, Greece and Turkey, has not been an effective operating unit since the invasion of Cyprus.

Although Turkey claims the need for more military resources to meet its NATO role, it continues to commit unnecessary and substantial military resources to Cyprus.

The continued commitment of American taxpayer dollars that fund the illegal occupation of Cyprus severely strains our Nation's image as a supporter of freedom and democracy.

By refusing to support meaningful negotiations concerning Cyprus, Turkey has clearly breached the trust extended by the Congress in the 1978 lifting of the arms embargo.

The failure to enact and fund foreign assistance legislation which conditions aid to Turkey would, in effect, condone Turkey's landgrab in Cyprus, thereby assuring continued instability in a region vital to American security interests. In addition, unconditional aid will send a clear message to the world community that the United States can no longer be depended on to stand up for the cause of freedom. The patience of the people of the United States and Cyprus have been tried too long. Our patience on this issue has come to an end.●

A TRIBUTE TO CLARENCE BLAKESLEE

HON. HAROLD S. SAWYER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. SAWYER. Mr. Speaker, I would like to recognize an outstanding gentleman from my district, in fact, from my home town, Clarence Blakeslee.

Clarence has been a servant of the public for more than 41 years beginning with his service in the 28th Infantry Division during WWII as a front observer radio man. He was at the Battle of St. Lo and the Battle of Hurten Forest, where he was decorated with the Bronze Star Medal and received four battle stars. Clarence returned to Michigan after the war and founded Blakeslee Plumbing & Heating in 1948, from which he is now retired.

From 1961 to 1977, Clarence served as councilman of the city of Rockford, MI, and for 3 years, from 1970–73, he was the elected mayor of our city. For the past 5 years Clarence has served as a commissioner on the Kent County Commission from which he is retiring at the end of this year.

Clarence Blakeslee has contributed to Rockford and Kent County in so many ways. He was one of seven founders of the Rockford Historical Society and Museum in 1965. He sits on the board of the Kent County Library, as well as the Kraus Memorial Library. During his term as mayor, he instigated Rockford's Ten Mile Bridge, the Rogue Valley Towers Senior Citizens Center and the city complex.

Finally, I would mention a collateral career to which Clarence has devoted himself and which has won him the thanks and praise of Kent County Republicans for years. Clarence is the official photographer for the Republican Party in Kent County, as well as being the first official photographer for the Rockford Register since his return from WWII. He has given generously of his time and energy and never has he asked for compensation. Clarence has made it his duty to be on the scene of virtually every Republican event for—well, for as long as everyone can remember. He and his camera are a valuable pair to our city and county.

Clarence has been a part of and recorded our history in his own special way. He has been selfless in his contributions to West Michigan and we are honored to be the beneficiaries of a man with so much to offer. Clarence, I thank you and I pay tribute to you.●

COMMEMORATION OF THE "SMOKEY BEAR" STAMP

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. GEKAS. Mr. Speaker, I would like to take this opportunity to note the issuance of a stamp commemorating Smokey the Bear. This stamp will be issued on August 13, 1984, in Capitan, NM, and is due in no small measure to the efforts of a constituent of mine, Michael Marchese, a firefighter from Williamsport, PA. For more than 6 years now, Mr. Marchese has made efforts to get the postal service to dedicate a stamp to this well-known symbol of forest fire prevention.

For those who may be unfamiliar with the story of Smokey, it began in the late 1940's with a cartoon on a fire prevention poster. In May 1950, a disastrous forest fire broke out in the Lincoln National Forest in New Mexico. The fire was not brought under control until after more than 17,000 acres of timber, watershed, and forest habitat for wildlife had been destroyed. During the fire, 24 firefighters nearly lost their lives while trapped as the fire surrounded them. After their escape, these firefighters noticed a badly burned bear cub clinging to a scorched tree. They rescued the animal and nursed him back to health, noticing that he bore a striking resemblance to the Smokey Bear cartoon developed a few years earlier. Because of this, the healing cub was soon transferred to the National Zoo in Washington, DC, and became a living symbol of Smokey Bear and forest fire prevention. Since the introduction of Smokey in the 1940's, when over 10 million acres of woodlands were burned every year, forest fires have been greatly reduced. In 1981, only 3 million acres were burned. Since his introduction, Smokey has served as a catalyst to children for the very important message of forest fire prevention.

For Michael Marchese, the dedication of the Smokey Bear stamp represents the fruits of more than 6 years of labor. During this time, he has worked tirelessly, appearing 15 times before the U.S. Postal Service's Citizens' Advisory Committee asking that the stamp be issued. In addition, Mr. Marchese has spent a considerable portion of his personal funds toward this goal. Although he has made a considerable investment of time and money, Mr. Marchese is delighted that the postal service is finally dedicating a stamp to Smokey Bear, as it "will serve as a year-round message for fire prevention." It is truly a pleasure, Mr. Speaker, to note the dedication of the Smokey Bear stamp in commemora-

tion of his message of forest fire prevention, and to note the dedication of Michael Marchese of Williamsport, PA, in working long and hard to see that Smokey's message that "Only You Can Prevent Forest Fires" is passed along to children and adults who continually need to be made aware of the importance of protecting one of America's most vital natural resources—her woodlands.●

COMMENDING THE 77TH U.S. ARMY RESERVE COMMAND ON RESERVE DAY IN NEW YORK CITY

HON. JOSEPH P. ADDABBO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. ADDABBO. Mr. Speaker, I am proud to call the attention of my colleagues to the distinguished 77th U.S. Army Reserve Command which epitomizes the ideal of a high state of mobilization readiness. In an age that has placed increasing emphasis on nuclear and space weaponry, we sometimes forget to honor the noble efforts of the conventional forces that have played such a great part in protecting our Nation in the past and continue to preserve our freedom until the present day.

The 77th USARCOM not only has an extraordinarily notable wartime record, but also has made exceedingly significant peacetime contributions. Therefore, I am extremely pleased that this division will be honored for its manifold achievements at the "Reserve Day" celebration in New York City on September 16, 1984.

The 77th, or "Statute of Liberty Division," occupies the historic post of Fort Totten in New York. They have a record of distinction that goes back to the American Expeditionary Force in France during World War I. In addition, the 77th USARCOM participated in the peacetime Regular Army during the 1920's and 1930's. During World War II, they were active as one of six U.S. Army Reserve combat divisions.

Moreover, the 77th also has an outstanding peacetime record. In 1972, they did extensive rescue and relief work during Tropical Storm Agnes. The 77th is the first Army Reserve unit to be deployed as part of a one army team in a prolonged relief in a natural disaster. In addition, the 77th USARCOM took part in PIRC—the program for the improvement of Reserve components in 1975.

The 77th USARCOM still prides itself in the pursuit of excellence. It is for these myriad accomplishments that I commend them today.●

WEATHER SATELLITE FAILURE LEAVES UNITED STATES BLIND IN EAST

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BROWN of California. Mr. Speaker, one of three remaining U.S. weather satellites operated by the National Oceanic and Atmospheric Administration failed yesterday, rendering us blind to developing hurricanes and severe storms in the East.

An operational weather satellite system for comprehensive coverage of the Earth would consist of two polar orbiting satellites and two geostationary satellites. The failure of one of the geostationary satellites yesterday and the one remaining polar orbiting satellite leaves only two satellites remaining to provide only partial coverage.

Mr. Speaker, the military has operated a weather satellite system for some time which parallels NOAA's. NOAA and the military should cooperate in this effort. Duplication of effort, and of mistakes—the military has had its share of problems and satellite failures—is wasteful, inefficient, and dangerous. Failure of the civilian weather satellites leaves us vulnerable to unanticipated hurricanes and severe weather. Failure of the military weather satellites can have a major impact on military operations.

In a time when we are concerned about military preparedness and high Federal deficits, cooperation between the civilian and military agencies that need accurate and timely weather data only makes sense.●

COASTAL STATES MARINE RESOURCES ACT

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. BATEMAN. Mr. Speaker, as I am sure you know, Maryland's crabbers in recent years have been coming into Virginia's waters to dredge for crabs during the late winter and early spring. This action has caused economic hardship for Virginia's watermen, and the increased harvest may soon create a threat to the blue crab resource.

Today I introduce a bill to aid Virginia's watermen in their fight to protect the Commonwealth's blue crab resource and their own historic livelihood. This bill, the Coastal States Marine Resources Act, would allow States to protect their marine resources by restricting harvesting of those resources by nonresidents.

My bill would allow States to prohibit nonresident fishing of certain edible species of fish, crustaceans, and mollusks, if restrictions designed to reduce harvesting of the species were deemed necessary, as a conservation measure, and would make fishing or crabbing economically unfeasible.

A few years ago, fishing trawlers from Florida came into the Virginia waters of the Chesapeake bay with fishing techniques which would sweep the bay of finfish. While that situation was dealt with, we have no assurance that it will not reoccur.

The Virginia Marine Resources Commission has the statutory authority to regulate the Virginia fishery in keeping with sound conservation practices. Until recent years, there was no nonresident commercial fishing in Virginia's internal waters.

The catch data upon which sound management plans for various species is based relates to Virginia resident watermen, not nonresidents. It therefore becomes important to sound management of fishing resources that nonresidents not be permitted to harvest seafood in our internal waters, under some circumstances.

The marine resources of the Chesapeake Bay and its tributaries and other esturine systems are limited. If sound conservation programs are to be put in place, and nonresidents are permitted to harvest in internal waters of coastal States, the limits on catch, length and time where fishing and crabbing are permitted may have to be so restrictive as to make it economically unfeasible for anyone to continue to earn a living as a waterman.

The purpose of my bill is to give the coastal States such as Virginia the authority to soundly regulate its internal fishing resources.

Though State laws prohibiting nonresident fishing have been declared unconstitutional in the past, I believe that this specific grant of authority by the U.S. Congress would pass constitutional review. I invite my colleagues to join me as a sponsor of this important tool for sound conservation of the marine resources of the internal waters of coastal States.●

TRIBUTE TO ARTHUR D. KRIEGER

HON. FRANK HARRISON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. HARRISON. Mr. Speaker, on August 26, 1984, an outstanding young man from Conyngham, PA, will be awarded the highest distinction in Boy Scouts.

Arthur D. Krieger will receive the "Eagle Scout Court of Honor" at a ceremony to be held in his honor.

Arthur is a member of troop 207, Conyngham, PA. This represents an outstanding achievement and one in which all of us can take justifiable pride.

We all know that the youth of today represent the leaders of tomorrow, and in this case, Arthur is so duly honored.

Mr. Speaker, I join with Arthur's family and friends in paying tribute to this outstanding young person.●

DISABLED DOESN'T MEAN BEING UNABLE

HON. ROD CHANDLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CHANDLER. Mr. Speaker, today I want to take a minute to share with my colleagues my respect for a young man who is living proof that being disabled doesn't mean being unable.

That young man is 21-year-old Jeff Keith of Fairfield, CT; 10 years ago, Jeff lost his right leg to cancer. Instead of giving up on life and thinking about all of the things he couldn't do, Jeff set out to lead as normal and full a life as possible. He continued his active involvement in sports by swimming, skiing, playing baseball and lacrosse and even participating in a triathlon. A few months ago Jeff graduated from Boston College with a degree in English.

This summer Jeff is involved in perhaps his greatest challenge by running a 3,600 mile, 6-month cross-country race that began June 4 in Boston and will end this November in Los Angeles.

As he runs across his nation, Jeff is sending a powerful message to other disabled individuals that they can overcome a handicap and lead a full life. He is also raising funds for cancer research and sports for the disabled.

Jeff's run has taken him to Washington, DC, this week, and I am pleased to be joining him later today on part of his courageous journey. I think that Jeff deserves our admiration and respect for enlightening us on cancer and handicaps, but also inspiring every American with his example that one individual can make a difference.●

A TRIBUTE TO JOHN M. ROBB, SR.

HON. WILLIAM F. CLINGER, JR.

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CLINGER. Mr. Speaker, throughout life, there are rare occasions when we are afforded the opportunity to be acquainted with a person that is an inspiration to each of us. John M. Robb, Sr., is just such a person. He has unselfishly dedicated his life to serving humanity, especially our young men involved in Scouting.

John served in the U.S. Air Force and later in the European theater of war. Furthermore, he remains extremely active in several veterans' organizations. He was a loyal employee of Westinghouse Electric Corp. and then at Houghton College in New York. He also serves his community in various capacities, from captain of the fire police to constable of Caneadea.

But more importantly to our Scouters, John stands as a living example of what dedication, hard work, and caring can accomplish. He is a veteran Scouter of 43 years, Scoutmaster for 29 years, and has further served as adult leader, assistant Scoutmaster, committee chairman, and neighborhood commissioner.

John has received innumerable Scouting awards, including Scouter's Key for Scoutmasters, American Legion Citation of Honor, and the National Eagle Scout Award for Outstanding Leadership. He is also on the Boy Scouts of America National Jamboree staff and chairman of the 19th International Calumet Camporee.

John Robb not only motivates, but inspires Scouters everywhere. He is the epitome of what every Scouter strives to become. We sincerely appreciate all your dedication. Thank you, John Robb.●

A BILL TO ELIMINATE GENDER-BASED DISTINCTIONS IN LAWS PROVIDING BENEFITS TO VETERANS

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. MONTGOMERY. Mr. Speaker, last year the Committee on Veterans' Affairs reported a measure (H.R. 2920, as amended) which subsequently became Public Law 98-160. The bill created an Advisory Committee on Women Veterans in the Veterans' Administration. The Administrator of Veterans' Affairs, Harry Walters, has indicated that the agency will meet the needs of women veterans. The Congress strongly supports that commitment. We insist that it be done. We want to see that every facility which the VA plans to construct or renovate is compatible with the needs of women veterans for health care.

The significant role of women in the military is well established. There are nearly 200,000 women serving in the Armed Forces today, while there are over 1.1 million women veterans. Since 1972, the laws authorizing benefits for women veterans have provided benefits on the same basis as men. However, we have never completely eliminated references in the laws from which an inference might be drawn that benefits are not equally available to women as well as men. We cannot afford to have any vestige in the law that implies any inequality of treatment for veterans.

Mr. Speaker, today I am introducing legislation cosponsored by Mr. HAMMERSCHMIDT and Mr. EDWARDS, the ranking minority and majority members of the Committee on Veterans' Affairs, to eliminate references to "males only" which exist in the laws providing benefits to veterans. Introducing this legislation is a clear signal of our continuing commitment to insure that women are afforded the same veterans' benefits as men, now and in the future.●

STATE'S SUCCESS WITH ENTERPRISE ZONES

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. KEMP. Mr. Speaker, I would like to commend to my colleagues' attention the following Wall Street Journal articles highlighting the success that States have had with enterprise zones. These State-sponsored zones have attracted businesses to depressed areas, created jobs for thousands of Americans, and breathed new life into our inner cities. Not only do enterprise zones offer hope to our inner-city residents, they also offer productive, real jobs. Passage of enterprise zone legislation by Congress is one of the best jobs bills we can offer to the American people. I urge my colleagues to read the following article and support Federal enterprise zone legislation.

STATES EXPAND ENTERPRISE ZONES DESPITE LACK OF FEDERAL INCENTIVES

(By Joann S. Lublin)

Despite President Reagan's renewed efforts, there seems to be little chance that Congress will enact his plan this year for federally supported business-enterprise zones.

But many states aren't waiting for Washington to act: Even without federal incentives, hundreds of communities are offering tax breaks to businesses to help revive depressed areas.

As one of his six legislative goals for the remainder of the year, the president wants Congress to enact his three-year-old plan for enterprise zones. But Mr. Reagan is facing an apparently immovable obstacle in the form of Democratic Rep. Dan Rosten-

kowski, chairman of the House Ways and Means Committee, who criticizes the Reagan proposal as a needless giveaway to business. The Treasury Department estimates the program would cost the government $3.4 billion in lost revenue in its first five years.

ISLANDS OF ADVANTAGE

Mr. Rostenkowski's opposition alone is probably enough to block the bill's passage, and the president is expected to respond in campaign speeches by rebuking Congress for its inaction. But while the issue is debated in Washington, state-established enterprise zones are slowly breathing new life into distressed inner cities and small towns across the country. These islands of tax and regulatory advantage have sprung up in 16 of the 23 states enacting enterprise-zone laws since 1981.

By year-end, businesses will have invested or committed nearly $2 billion in more than 300 communities' zones, generating or retaining about 60,000 jobs, estimates the Sabre Foundation, a nonprofit Washington think tank.

"I think the success has been more than you would have expected, especially when you consider the states don't have a lot to offer in the way of tax incentives," says Stuart Butler, a British economist who is a leading advocate of the zones.

Indeed, most states set up their programs to take advantage of Mr. Reagan's proposal. The administration's plan would designate 75 zones over three years. Businesses operating in those zones would be exempted from all capital-gains taxes and 75% of corporate income taxes, and their employees would receive individual income-tax credits.

State and local tax breaks, however, are only about 20% as lucrative as the proposed federal tax advantages, the Sabre Foundation says. Thus, large companies have been reluctant to enter the zones. "What's in place are some goodies, but not enough," says Melvin Taylor, who is building an ice cream-making plant in a Baltimore enterprise zone.

But the lack of federal action isn't likely to cool states' enthusiasm for the programs. Five additional states are considering authorizing enterprise zones, and at least two are likely to pass bills soon. "Some of them are doing it because * * * otherwise they're at a competitive disadvantage" with states already promoting such programs, says Richard Cowden, who edits a newsletter on enterprise zones for the Sabre Foundation.

The amount of business investment in an enterprise zone often depends on the generosity of the tax incentives offered. Connecticut's breaks, for example, include temporary property-tax abatement, certain sales-tax exemptions, income-tax reductions and job-training reimbursement. Since fall 1982, businesses have invested or committed about $97 million to the state's six zones, mainly for commercial projects. About 6,000 jobs have been created or retained.

"We are flabbergasted at how much difference they (the incentives) have made in revitalizing areas," says Carol Gaetjen, manager of Connecticut's enterprise-zone program. In New London's zone, for instance, a $20 million office park is going up on 25 acres of waterfront land left vacant by slum clearance eight years ago. The acreage "was something sitting there waiting to happen, and the zone was the trigger," Mrs. Gaetjen says.

Tax savings for businesses in enterprise zones can be substantial. SFE Technologies of San Fernando, Calif., last month opened a $9.5 million, 100,000 square-foot electronics parts plant in a New Orleans zone. The expected saving of nearly $200,000 just from reduced sales taxes on equipment and construction materials influenced the choice of the location, a company official says.

By contrast, the major lure of Florida's enterprise-zone legislation—a credit on the state's already low corporate income taxes—is less appealing. "It's just not that toothy right now," concedes Tim Nugent, director of a redevelopment agency in Tampa's Tybor City, a historic, former cigar-making district that became an enterprise zone three years ago.

Many city officials often find they must package tax incentives with regulatory favors and other inducements to persuade companies to expand, remodel or set up operations in the rundown areas. Among the extra aides: streamlining or "one-stop" shopping for building and other permits, public-works improvements such as lighting and sewer repairs, and low-cost loans to small businesses.

Such packaging made a difference for Speigel Inc., the Illinois mail-order catalog concern. It considered a Sun Belt relocation of an obsolete mail-center complex in Back of the Yards, a depressed Chicago manufacturing area that is now an enterprise zone. Instead, Spiegel will spend $20 million to modernize the 1,900-employee complex. The city's relaxation of certain building-code requirements, along with state tax breaks and retraining aid, persuaded Spiegel to stay in Chicago, according to the company.

Some localities are also making extra efforts to alter the public view of an enterprise-zone neighborhood as a blighted slum, beset by crime and declining property values. They increase police patrols or enlist community groups and local merchants in neighborhood cleanup campaigns. The Illinois law allows city-owned commercial property to be "shopsteaded"; a city can donate a building to a community group for activities such as a child-care center.

POOR IMAGE OFTEN PERSISTS

Nevertheless, a depressed area's poor image often persists even after revitalization begins. Physical improvements take time, and changing the community perception takes even longer, says Gregory Dunn, project manager for the South Norwalk, Conn., enterprise zone.

The proliferation of new, small concerns in many enterprise zones presents another problem. Such companies tend to employ few workers or demand highly technical skills that local residents may lack. "Unfortunately, what (the zone) needs are some very labor-intensive businesses," says William Regan, who runs Teaching Computer Systems Inc., a five-person concern, in the Baltimore zone. He brought his staff with him when he moved from Columbia, Md., and doesn't expect to employ more than a few others.

The richer array of tax incentives offered by the pending federal legislation might attract a better mix of small and big businesses to enterprise zones. Mr. Taylor, who is building the ice cream plant in Baltimore, says he expects eventually to employ 300 people, and reap more than $1.5 million in property and corporate income-tax breaks over three years. Yet a federal enterprise-zone program, Mr. Taylor insists, could "change the whole complexion of investment in this country.●

COORS PLANT GIVEN EXEMPTION TO OSHA NOISE RULES

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. OBEY. Mr. Speaker, in May, I informed the House that investigations by my office had revealed that the Occupational Safety and Health Administration had dramatically cut back inspections of the Adolph Coors Co. following the appointment of Thorne Auchter as the head of the agency in March 1981.

During previous administrations, OSHA had inspected a Coors-owned factory about once every 7 weeks. Following Auchter's takeover, no inspections of any type were conducted at Coors for the first 18 months and in the 33-month period between Auchter's takeover of the agency and January of this year, only four inspections were conducted.

Three of those were not general inspections but were investigations into the deaths of Coors employees as the result of three separate fatal accidents in company owned and operated facilities. The law specifically requires the agency to do followup investigations on all workplace fatalities.

Although there was a decline in inspections of all worksites during this period, the national decline was about 10 percent as opposed to an 80 percent decline at Coors and when fatality inspections are eliminated, the decrease in the average yearly number of inspections of the Coors Co. is more than 90 percent.

Since I first reported on the agency's record with Coor's, I have looked more closely at the only general inspection conducted at a Coors worksite during that period. That one inspection took place in December 1982. It was a general scheduled inspection but appears to have focused mostly on noise and hearing. Findings of the inspection are as follows:

(1) Provisions of the law requiring employers to adopt engineering controls to reduce noise levels in the workplace were being ignored.

(2) Noise levels in the plant were above OSHA limits in all portions of the plant where tests were given.

(3) Noise levels between 170 percent and 250 percent louder than permitted under OSHA regulations were found.

(4) Approximately one-third of the workers showed significant hearing loss since going to work at the facility.

The inspectors recommended citations but the agency eventually vacated all of the citations on the basis of an agreement with the company which not only waived possible fines, but also exempted the company from correcting conditions in the plant that were in violation of the law. The rationale given for exempting the company from the same law that other employers are expected to meet was that the facility could be used by the National Institute for Occupational Safety and Health to learn more about hearing loss in workplaces where Government standards for noise and hearing loss were being violated.

It is interesting however that OSHA reached this conclusion without contacting the National Institute for Occupational Safety and Health or seeking their scientific judgments as to whether they wished to conduct such research or whether this facility represented a useful or usable research opportunity.

NIOSH did finally visit the Coors facility in May of this year and stated that they would not participate in such a study.

Mr. Speaker, this is an example of another type of the gross abuse of the law that has been practiced at OSHA. Only 2 months ago we learned that the agency was promoting a scheme by which the Dan River Textile Co. could escape Federal requirements for cotton dust exposure by having another study of what breaking those rules would do to worker's lungs. NIOSH was also volunteered by the Labor Department for funding that research. In that instance, NIOSH also said they would not participate.

In another case, we learned that Gulf Coast Lead Co. in Tampa, FL, was given a variance from Federal lead level requirements. When one of the employees at the plant had to be carried off the job because of kidney failure linked to high levels of lead in his blood, the variance and experiment was finally terminated.

OSHA testified before the Appropriations Committee that the Gulf Coast Lead case and another case involving mechanical guarding were the only experimental variances that have been granted since January 1981. However, the situation at Coors demonstrates that the Department has been granting variances after the fact as well as before, and that experimentation on workers has been used as an excuse to provide selected employers an opportunity to avoid meeting the same worker protection standards that are required of most employers in more instances than have thus far been cited by the Department.

Mr. Speaker, we cannot let Occupational Safety and Health regulation require many employers to meet requirements from which others are exempted. Protecting worker health cannot be allowed to become another tool of political patronage. When Federal inspectors find a workplace that is particularly dirty, noisy, or unhealthy, they have not found an opportunity for long-term scientific inquiry on the human consequences of violating rules that have already met the test of science and the Federal regulatory process. They have rather found a problem that needs to be corrected.

In a nutshell, employees of this Government who are charged with protecting the health and lives of American workers at taxpayer expense are not there for the purpose of locating someone else's ears, lungs, or kidneys in order to conduct crude experiments on already established scientific findings—even if it may mean higher quarterly dividends for friends of the administration in power.

That is what equal justice under the law and equal enforcement of the law is all about. That is not just necessary to provide decent working conditions for workers; it is necessary to provide an equal playing field for employers who are engaged in stiff competition.

Following is the text of the settlement agreement between the Coors Co. and OSHA:

United States of America Occupational Safety and Health Review Commission

RAYMOND J. DONOVAN, SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR, COMPLAINANT, V. ADOLPH COORS COMPANY, RESPONDENT

OSHRC DOCKET NO. 83-0554

STIPULATION AND NOTICE OF DISMISSAL

Come now complainant, Secretary of Labor, and respondent, Adolph Coors Company, and make the following stipulations and agreements:

1. In consideration of complainant's agreement to withdraw the citation hereinafter described, respondent, without admitting that it has violated any of the provisions of the Occupational Safety and Health Act, or any of the regulations and standards promulgated pursuant thereto, hereby agrees to cooperate in, and volunteer the use of, the "cold-end" of its glass plant for, a research study on the effect of occupational noise on the hearing of employees exposed thereto, and the relationship of the implementation of hearing conservation programs and personal protective equipment to said noise exposure.

2. It is agreed that the aforesaid research study is to be conducted by the National Institutes of Occupational Safety and Health as agent for, and pursuant to a memorandum of understanding with, the Occupational Safety and Health Adminstration. The specific protocol and procedures for the aforesaid research study will be agreed to separately and specifically between complainant and respondent prior to commencement of said study.

Wherefore, based on the aforesaid considerations, complainant hereby withdraws other than serious citation number 1 for alleged violation of 29 C.F.R. § 1910.95(b)(1) issued on May 31, 1983.

Dated this 15th day of October, 1983.

FRANCIS X. LILLY,
Deputy Solicitor of Labor.
TEDRICK A. HOUSH, Jr.,
Regional Solicitor.

Bradley, Campbell & Carney, P.C., by Lawrence W. Marguess, 1717 Washington Avenue, Golden, Colorado 80401-1994 (303) 278-3300. Attorneys for Respondent.

Jaylynn K. Fortney, Attorney, 911 Walnut Street, Room 2106, Kansas City, Missouri 64106 (816) 374-6441. Attorneys for Raymond J. Donovan, Secretary of Labor, U.S. Department of Labor.●

POSTAL NEGOTIATIONS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 31, 1984

● Mr. CLAY. Mr. Speaker, with contract negotiations now broken off, the Postal Service and the postal employee unions have entered the legally mandated factfinding process. Under the Postal Reorganization Act of 1970, a joint selected factfinding panel will have 45 days to report its findings. Then, assuming that both management and the unions still cannot agree, an impartial panel of arbitrators will conduct hearings and make a final and binding determination.

While it is regrettable that labor and management were unable to reach agreement, this dispute resolution process is rational and one of proven success.

What is most disturbing however is the decision of the Postal Service to unilaterally implement a 23-percent pay cut for all postal employee hired on or after August 4, 1984. This action is highly improper and inconsistent with the intent of Congress when it enacted the Postal Reorganization Act 1970.

When I was privileged to chair the Subcommittee on Postal Personnel and Modernization and the Subcommittee on Postal Operations and Services, I had ample opportunity to understand the intricacies of the Postal Reorganization Act of 1970 which governs postal labor relations. That landmark legislation provided for binding arbitration to resolve contract disputes because postal employees were denied the fundamental right of most working people—the right to withhold their labors—the right to strike.

I was therefore shocked that postal management decided to escalate existing tensions by reducing the pay and benefits of new employees, particularly since Congress provided binding arbitration as a substitute for the right

to strike. Congress intended that matters in dispute—pay and benefits particularly—would be maintained in the status quo until the arbitration panel had the opportunity to work its collective will.

I appreciate the fact that the Postal Service believes—erroneously, in my judgment—that they are acting in accordance with the law. Nevertheless, their actions are not simply inconsistent with the intent of Congress, they are penny wise and pound foolish. For the relatively small amount that the Postal Service saves by this ill-advised action, they have pushed postal labor relations back many years. This action will irrevocably damage postal labor relations and exacerbate tensions in the workplace.

I urge the Reagan-appointees who now control the Postal Board of Governors to reconsider this ill-advised action and to follow the independent panel of factfinders and others to work their collective will free of the antagonism which the Governors' actions have generated.●